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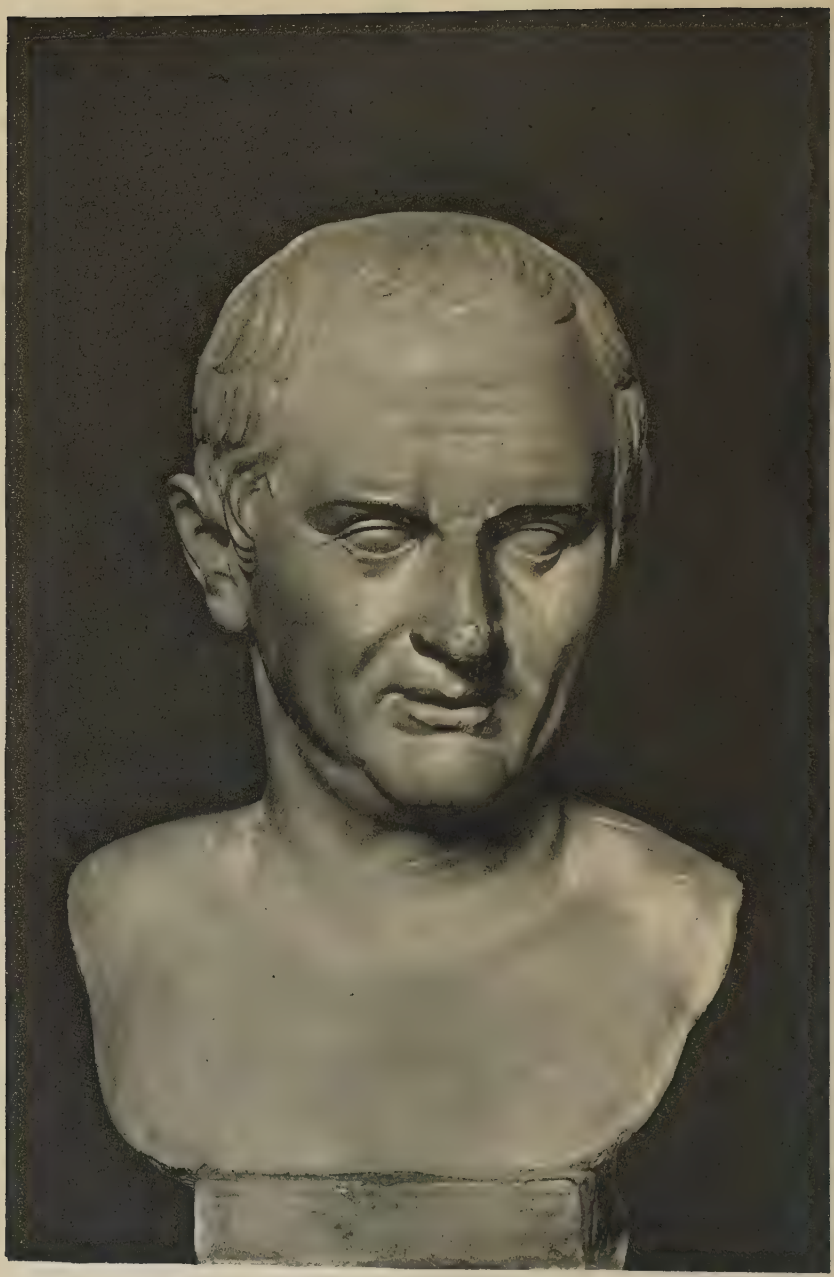

MARCUS TULLIUS CICERO.

Photogravure from the marble bust in the Prado Gallery at Madrid.

This is the most pleasing of all extant likenesses of the great Roman orator. It represents Cicero when he was about sixty years of age and at the zenith of his career.

ORATIONS

OF

MARCUS TULLIUS CICERO

TRANSLATED BY

CHARLES DUKE YONGE, A.B.

WITH A SPECIAL INTRODUCTION BY

CHARLES HERMANN OHLY, Ph.D.

REVISED EDITION

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SPECIAL INTRODUCTION

IT is to the ancients we turn when we seek to find the foundations on which the structure of modern civilization has been reared. Our laws we trace to Rome. Athens is the mother of art, both plastic and poetic. Both Greece and Rome have taught us the science of government, nay, given us government itself. And eloquence, the fleeting utterance of the tongue, we trace in its beginning and perfection, through the channels of Rome, to Athens, its source and fountain-head.

Oratory was a living power in Athens and in Rome. It has been a power with all civilized peoples. Its power has always been in direct proportion to the eloquence it bore. For, in the living speech lies that hidden charm by which the emotions are kindled, that rouses to action, that imparts knowledge. "What is there in the world," says Cicero, "more extraordinary than eloquence, whether we consider the admiration of its hearers, the reliance of those who stand in need of assistance, or the good-will it procures from those whom it defends."

Eloquence, the quintessence of oratory, has ever been a safe criterion of the intellectual and moral level of a people, its decay an indication of torpor and of decay of the ideal. In Demosthenes culminated the eloquence of Greece; in Cicero that of Rome. With their disappearance vanish the liberties of the people and self-government is effaced. With the institution of free government Roman oratory developed and grew during the five hundred years that Rome was her own mistress. Before the fall of the Republic, when liberty was about to make her last struggle, it reached the summit of perfection. With the decline of independence oratory declined in Rome as well as in Greece. Eloquence ceased to be a weapon in public affairs and yielded its gentle sway to force borne by appeal to arms. Rarely has oratory flourished and unfolded its powers in times of peace and

general prosperity. It needs a soil peculiar to itself, from which to draw its vigor and an atmosphere of its own to expand and to develop its supreme powers. Political ideals and the attainment of high aims have ever been its foster-mother. Great issues, the welfare of nations, oppression of the proud and generous, religious fervor, each in turn has tended to urge the orator to impassioned eloquence. Turn to the Irish Parliament and its champions for national independence; to the French Revolution and its unattainable ideals; to the great struggle in the United States to free the slave from bondage. Never have the powers of eloquence had greater sway, never have they helped to shape greater events.

Cicero is the embodiment of Roman eloquence. None is greater than he save Demosthenes; none of the ancients nearer to us than he. The more realistic a nation's conception of the life of the ancients, especially in their literature, the nearer has it attained to their standard of perfection. Witness the Latin races, witness England and its intellectual offspring, America. The prose style of all modern writers has been largely influenced by Latin prose, and, above all, by the model style of Cicero.

Marcus Tullius Cicero was born on the third of January, about the year 106 B.C. He was of noble birth and his family had possessed equestrian rank from its first admission to the freedom of Rome. At an early age he was brought to Rome. Reared under the best tutors of his time and guided by a natural tendency of his mind, he soon became a zealous student of philosophy, jurisprudence and its twin sister, eloquence. He grew into manhood under the shadow of the outrages of civil war.

His defence of Roscius against the favorite of Sulla falls in the year 81 B.C. Hortensius was his opponent. To triumph over such a foe was a triumph indeed. A two-years' sojourn abroad in Greece and Asia Minor did much to invigorate his body and develop his mind. As quæstor in Sicily, then in his thirtieth year, he acquired his first experience in the administration of government. In the Senate Cicero was at this time looked upon as leader and champion. Public favor was bestowed on him without his courting it by insidious arts. The accusation of Verres was delegated to him after he had been unani-

mously elected *ædilis curulis* in 69 B.C. During his prætorship he assisted Pompey in securing the generalship in the war against Mithridates. His election as consul, in 64 B.C., marks the climax of his life. The defence of Rabirius and the prosecution of Catiline belong to this period.

But stronger arms than his aspired to rule. Cicero was powerless against the combination of Crassus, Cæsar and Pompey. The entry of Publius Clodius into the triumvirate drove him into exile. To Pompey's quarrel with Clodius he owed his recall. The fate of Crassus had impressed him profoundly, and we miss in Cicero henceforth that independence of character that marked his earlier years. Discouraged from participating in public affairs, he now entered upon a period of great literary activity.

The final struggle between Pompey and Cæsar was drawing near. Cicero's friendship and influence, still powerful, were sought by both, and, while his heart inclined him to Pompey, his reason favored Cæsar. Nothing, however, could induce him to abandon his seclusion, till, after the assassination of Cæsar, he proposed in the Senate a general pardon for all participants in the struggle, and effected a superficial reconciliation between the opposing factions. He joined Octavianus against Antonius, and with all the power of his eloquence strove to thwart the designs of Antonius to continue in the rôle of Cæsar.

But Octavianus repaid him ill. In his new triumvirate with Antonius and Lepidus all friends of liberty were doomed by proscription. Cicero was the first victim demanded from Octavianus by the implacable Antonius. On the seventh day of December in the year 43 B.C., he suffered death at the hands of C. Popillius Lænas, whose life he had once saved. His head and right hand were exposed to the populace, a spectacle that brought tears to every eye in the gazing multitude, and exultation to the hearts of sycophants and the enemies of liberty.

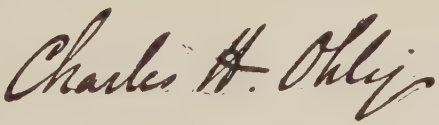
It was the conception and the pursuit of ideal beauty that produced all the masterpieces of Greek art. Cicero applied it to eloquence. He tells us that he continually strove to attain an ideal excellence not found in any living model nor taught in any school; and accords to his Grecian rival the great praise of all but reaching a perfection which he had himself always longed for but had never been able to attain. No writer has ever made so close a scrutiny of himself and his art as he. In " De Oratore "

he points to the variations of his style. Thus, among others, he gives reasons that aroused him to indignation and vehemence in his pleadings against Verres and Catiline, and those that inspired him to insinuating eloquence in speaking on the Manilian law. In Brutus he has laid down all the results of his observations, reflections and experience, what a speaker should be, can never be, yet must ever strive to be.

Cicero owed his great perfection in eloquence more to himself and his constant endeavors than to any other source. It is true he acknowledges more than once his indebtedness and gratitude to Isocrates. Archias, the poet, is mentioned as one of his early preceptors. But the genius of eloquence was born in him, and, at an early age, following a natural inclination he resolved to devote himself to oratory. He often saw and listened to the orators of his day, Crassus, Antonius, Cæsar, Sulpicius and Cotta. In acquiring a profound knowledge of the law he owed much to the two Scævolas, the most eminent jurists of the day. Again the arrival of Philo and other learned Greeks, in 89 B.C., was an event in the life of Cicero. Phædrus had already initiated him in the study of philosophy and the Stoic Diodolus in the art of dialectics. Thus it was that, at the threshold of manhood and at the very outset of his career, he had attained to a degree of perfection which few have reached after a long and active career. His sojourn in Greece, his intercourse there with the foremost minds, especially his associations with Appolonius Molon, whom he had known in Rome, offered an unusual opportunity for self-improvement. His early causes established his fame as an orator. Cicero preferred to plead the case of the defendant and only reluctantly arose as public accuser. Content to conquer in triumphs won by talent, he often pleaded causes without remuneration. The confidence and love of his people, so nobly won, he retained almost uninterruptedly till his death.

In bringing his style to an unparalleled degree of perfection Cicero was guided by Isocrates, who had labored much to shape the language of the Athenians to the purposes of the highest eloquence. It is a long distance from the harsh and clumsy style of the old Romans to the refined latinity of Cicero. Owing to so many points of similarity with the Greeks by virtue of his early training and the course of his studies in later life, Cicero

has often been compared with Demosthenes. Quintilian tells us that Demosthenes always seeks to attain victory at the point of his weapon, while Cicero employs the weight of the weapon itself for this purpose, each being perfect in his way. He tells us that Demosthenes is concise while Cicero is flowing and redundant. This is the keynote to the powers of each. Demosthenes, objective, realistic, concise, intensely earnest, linking himself to his cause, only asking the good-will of his hearers; Cicero subjective, redundant, verbose, jesting at times, displaying flash and fire, and often sacrificing form to substance in pleading. Cicero has been reproached for his inordinate vanity, his glittering sophisms, his self-complacency, putting himself always in the centre of all, shutting all else out from view. But no assaults have been able to dethrone him from that lofty positon which the mature judgment of the generations of twenty centuries has assigned to him. And are we not ever drawn anew to the man as well as to the orator by the surpassing elegance of his style, the urbanity of his manner, his skill and erudition, his knowledge of men and of affairs, and, above all, by his profound sympathy with mankind? Future generations may well re-echo the words of John Quincy Adams when he said, " Cicero is the friend of the soul, whom we can never meet without a gleam of pleasure, from whom we can never part without reluctance."



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Fac-simile example of Printing in the Fifteenth Century

FIRST ORATION AGAINST CATILINE

THE ARGUMENT

Lucius Catiline, a man of noble extraction, and who had already been prætor, had been a competitor of Cicero's for the consulship; the next year he again offered himself for the office, practising such excessive and open bribery that Cicero published a new law against it, with the additional penalty of ten years' exile; prohibiting likewise all shows of gladiators from being exhibited by a candidate within two years of the time of his suing for any magistracy, unless they were ordered by the will of a person deceased. Catiline, who knew this law to be aimed chiefly at him, formed a design to murder Cicero and some others of the chief men of the Senate, on the day of election, which was fixed for the twentieth of October. But Cicero had information of his plans, and laid them before the Senate, on which the election was deferred, that they might have time to deliberate on an affair of so much importance. The day following, when the Senate met, he charged Catiline with having entertained this design, and Catiline's behavior had been so violent, that the Senate passed the decree to which they had occasionally recourse in times of imminent danger from treason or sedition: "Let the consuls take care that the republic suffers no harm." This decree invested the consuls with absolute power, and suspended all the ordinary forms of law, till the danger was over. On this Cicero doubled his guards, introduced some additional troops into the city, and when the elections came on, he wore a breast-plate under his robe for his protection; by which precaution he prevented Catiline from executing his design of murdering him and his competitors for the consulship, of whom Decius Junius Silanus and Lucius Licinius Murena were elected.

Catiline was rendered desperate by this his second defeat, and resolved without farther delay to attempt the execution of all his schemes. His greatest hopes lay in Sylla's veteran soldiers, whose cause he had always espoused. They were scattered about in the different districts and colonies of Italy; but he had actually enlisted a considerable body of them in Etruria, and formed them into a little army under the command of Manlius, a centurion of considerable military experience, who was only waiting for his orders. He was joined in his conspiracy by several senators of profligate lives and desperate fortunes, of whom the chiefs were Publius Cornelius Lentulus, Caius Cethegus, Publius Autronius, Lucius Cassius Longinus, Marcus Porcius Lecca, Publius Sylla, Servilius Sylla, Quintus Curius, Lucius Vargunteius, Quintus Annius, and Lucius Bestia. These men resolved that a general insur-

rection should be raised throughout all Italy; that Catiline should put himself at the head of the troops in Etruria; that Rome should be set on fire in many places at once; and that a general massacre should be made of all the Senate, and of all their enemies, of whom none were to be spared but the sons of Pompey, who were to be kept as hostages, and as a check upon their father, who was in command in the East. Lentulus was to be president of their councils, Cassius was to manage the firing of the city, and Cethegus the massacre. But, as the vigilance of Cicero was the greatest obstacle to their success, Catiline desired to see him slain before he left Rome; and two knights, parties to the conspiracy, undertook to visit him early on pretence of business, and to kill him in his bed. The name of one of them was Caius Cornelius.

Cicero, however, had information of all the designs of the conspirators, as by the intrigues of a woman called Fulvia, the mistress of Curius, he had gained him over, and received regularly from him an account of all their operations. He sent for some of the chief men of the city, and informed them of the plot against himself, and even of the names of the knights who were to come to his house, and of the hour at which they were to come. When they did come they found the house carefully guarded and all admission refused to them. He was enabled also to disappoint an attempt made by Catiline to seize on the town of Præneste, which was a very strong fortress, and would have been of great use to him. The meeting of the conspirators had taken place on the evening of the sixth of November. On the eighth Cicero summoned the Senate to meet in the temple of Jupiter in the Capitol, a place which was only used for this purpose on occasions of great danger. (There had been previously several debates on the subject of Catiline's treasons and design of murdering Cicero, and a public reward had actually been offered to the first discoverer of the plot. But Catiline had nevertheless continued to dissemble; had offered to give security for his behavior, and to deliver himself to the custody of anyone whom the Senate chose to name, even to that of Cicero himself.) Catiline had the boldness to attend this meeting, and all the Senate, even his own most particular acquaintance, were so astonished at his impudence that none of them would salute him; the consular senators quitted that part of the house in which he sat, and left the bench empty; and Cicero himself was so provoked at his audacity, that, instead of entering on any formal business, he addressed himself directly to Catiline in the following invective.

FIRST ORATION AGAINST CATILINE

WHEN, O Catiline, do you mean to cease abusing our patience? How long is that madness of yours still to mock us? When is there to be an end of that unbridled audacity of yours, swaggering about as it does now? Do not the mighty guards placed on the Palatine Hill—do not the watches posted throughout the city—does not the alarm of the people, and the union of all good men—does not the precaution taken of assembling the Senate in this most defensible place—do not the looks and countenances of this venerable body here present, have any effect upon you? Do you not feel that your plans are detected? Do you not see that your conspiracy is already arrested and rendered powerless by the knowledge which everyone here possesses of it? What is there that you did last night, what the night before—where is it that you were—who was there that you summoned to meet you—what design was there which was adopted by you, with which you think that anyone of us is unacquainted?

Shame on the age and on its principles! The Senate is aware of these things; the consul sees them; and yet this man lives. Lives! ay, he comes even into the Senate. He takes a part in the public deliberations; he is watching and marking down and checking off for slaughter every individual among us. And we, gallant men that we are, think that we are doing our duty to the republic if we keep out of the way of his frenzied attacks.

You ought, O Catiline, long ago to have been led to execution by command of the consul. That destruction which you have been long plotting against us ought to have already fallen on your own head.

What? Did not that most illustrious man, Publius Scipio,[1]

[1] This was Scipio Nasica, who called on the consul Mucius Scævola to do his duty and save the republic; but as he refused to put anyone to death without

the Pontifex Maximus, in his capacity of a private citizen, put to death Tiberius Gracchus, though but slightly undermining the constitution? And shall we, who are the consuls, tolerate Catiline, openly desirous to destroy the whole world with fire and slaughter? For I pass over older instances, such as how Caius Servilius Ahala with his own hand slew Spurius Mælius when plotting a revolution in the state. There was—there was once such virtue in this republic, that brave men would repress mischievous citizens with severer chastisement than the most bitter enemy. For we have a resolution[2] of the Senate, a formidable and authoritative decree against you, O Catiline; the wisdom of the republic is not at fault, nor the dignity of this senatorial body. We, we alone—I say it openly—we, the consuls, are wanting in our duty.

II. The senate once passed a decree that Lucius Opimius, the consul, should take care that the republic suffered no injury. Not one night elapsed. There was put to death, on some mere suspicion of disaffection, Caius Gracchus, a man whose family had borne the most unblemished reputation for many generations. There were slain Marcus Fulvius, a man of consular rank, and all his children. By a like decree of the Senate the safety of the republic was intrusted to Caius Marius[3] and Lucius Valerius, the consuls. Did not the vengeance of the republic, did not execution overtake Lucius Saturninus, a tribune of the people, and Caius Servilius, the prætor, without the delay of one single day? But we, for these twenty days, have been allowing the edge of the Senate's authority to grow blunt, as it were. For we are in possession of a similar decree of the Senate, but we keep it locked up in its parchment—buried, I may say, in the sheath; and according to this decree you ought, O Catiline, to be put to death this instant. You live—and you live, not to lay aside, but to persist in your audacity.

I wish, O conscript fathers, to be merciful; I wish not to appear negligent amid such danger to the state; but I do now

a trial, Scipio called on all the citizens to follow him, and stormed the Capitol, which Gracchus had occupied with his party, and slew many of the partisans of Gracchus, and Gracchus himself.

[2] This resolution was couched in the form "Videant Consules nequid respublica detrimenti capiat;" and it exempted the consuls from all obligation to attend to the ordinary forms of law, and invested them with absolute power over the lives of all the citizens who were intriguing against the republic.

[3] This is the same incident that is the subject of the preceding oration in defence of Rabirius.

CICERO ACCUSING CATILINE.

Photogravure from a wall painting by Prof. C. Maccari in the Palazzo del Senato at Rome.

The artist has chosen the moment when the orator leaps to his feet, takes his stand before the assembled conscript fathers, and addresses Catiline in terms which reveal to the assembly the whole plot of the traitor, which Cicero has been for weeks secretly unravelling. The effect of the scarcely expected apostrophe is electrical. The Senators hang on the words of the orator, and the detected conspirator cowers under the lash of the speaker's eloquence. The picture is highly dramatic, as, indeed, it represents one of the most dramatic incidents in all Roman history.

MAI ESSERE INSOLENTI OSSE

accuse myself of remissness and culpable inactivity. A camp is pitched in Italy, at the entrance of Etruria, in hostility to the republic; the number of the enemy increases every day; and yet the general of that camp, the leader of those enemies, we see within the walls—ay, and even in the Senate—planning every day some internal injury to the republic. If, O Catiline, I should now order you to be arrested, to be put to death, I should, I suppose, have to fear lest all good men should say that I had acted tardily, rather than that anyone should affirm that I acted cruelly. But yet this, which ought to have been done long since, I have good reason for not doing as yet; I will put you to death, then, when there shall be not one person possible to be found so wicked, so abandoned, so like yourself, as not to allow that it has been rightly done. As long as one person exists who can dare to defend you, you shall live; but you shall live as you do now, surrounded by my many and trusted guards, so that you shall not be able to stir one finger against the republic: many eyes and ears shall still observe and watch you, as they have hitherto done, though you shall not perceive them.

For what is there, O Catiline, that you can still expect, if night is not able to veil your nefarious meetings in darkness, and if private houses cannot conceal the voice of your conspiracy within their walls—if everything is seen and displayed? Change your mind: trust me: forget the slaughter and conflagration you are meditating. You are hemmed in on all sides; all your plans are clearer than the day to us; let me remind you of them. Do you recollect that on the twenty-first of October I said in the Senate, that on a certain day, which was to be the twenty-seventh of October, C. Manlius, the satellite and servant of your audacity, would be in arms? Was I mistaken, Catiline, not only in so important, so atrocious, so incredible a fact, but, what is much more remarkable, in the very day? I said also in the Senate that you had fixed the massacre of the nobles for the twenty-eighth of October, when many chief men of the Senate had left Rome, not so much for the sake of saving themselves as of checking your designs. Can you deny that on that very day you were so hemmed in by my guards and my vigilance, that you were unable to stir one finger against the republic; when you said that you would be content with the flight of the rest, and the slaughter

of us who remained? What? when you made sure that you would be able to seize Præneste on the first of November by a nocturnal attack, did you not find that that colony was fortified by my order, by my garrison, by my watchfulness and care? You do nothing, you plan nothing, think of nothing which I not only do not hear, but which I do not see and know every particular of.

Listen while I speak of the night before. You shall now see that I watch far more actively for the safety than you do for the destruction of the republic. I say that you came the night before (I will say nothing obscurely) into the Scythe-dealers' street, to the house of Marcus Lecca; that many of your accomplices in the same insanity and wickedness came there too. Do you dare to deny it? Why are you silent? I will prove it if you do deny it; for I see here in the Senate some men who were there with you.

O ye immortal gods, where on earth are we? in what city are we living? what constitution is ours? There are here—here in our body, O conscript fathers, in this the most holy and dignified assembly of the whole world, men who meditate my death, and the death of all of us, and the destruction of this city, and of the whole world. I, the consul, see them; I ask them their opinion about the republic, and I do not yet attack, even by words, those who ought to be put to death by the sword. You were, then, O Catiline, at Lecca's that night; you divided Italy into sections; you settled where everyone was to go; you fixed whom you were to leave at Rome, whom you were to take with you; you portioned out the divisions of the city for conflagration; you undertook that you yourself would at once leave the city, and said that there was then only this to delay you, that I was still alive. Two Roman knights were found to deliver you from this anxiety, and to promise that very night, before daybreak, to slay me in my bed. All this I knew almost before your meeting had broken up. I strengthened and fortified my house with a stronger guard; I refused admittance, when they came, to those whom you sent in the morning to salute me, and of whom I had foretold to many eminent men that they would come to me at that time.

As, then, this is the case, O Catiline, continue as you have begun. Leave the city at last: the gates are open; depart.

That Manlian camp of yours has been waiting too long for you as its general. And lead forth with you all your friends, or at least as many as you can; purge the city of your presence; you will deliver me from a great fear, when there is a wall between me and you. Among us you can dwell no longer—I will not bear it, I will not permit it, I will not tolerate it. Great thanks are due to the immortal gods, and to this very Jupiter Stator, in whose temple we are, the most ancient protector of this city, that we have already so often escaped so foul, so horrible, and so deadly an enemy to the republic. But the safety of the commonwealth must not be too often allowed to be risked on one man. As long as you, O Catiline, plotted against me while I was the consul elect, I defended myself not with a public guard, but by my own private diligence. When, in the next consular comitia, you wished to slay me when I was actually consul, and your competitors also, in the Campus Martius, I checked your nefarious attempt by the assistance and resources of my own friends, without exciting any disturbance publicly. In short, as often as you attacked me, I by myself opposed you, and that, too, though I saw that my ruin was connected with great disaster to the republic. But now you are openly attacking the entire republic.

You are summoning to destruction and devastation the temples of the immortal gods, the houses of the city, the lives of all the citizens; in short, all Italy. Wherefore, since I do not yet venture to do that which is the best thing, and which belongs to my office and to the discipline of our ancestors, I will do that which is more merciful if we regard its rigor, and more expedient for the state. For if I order you to be put to death, the rest of the conspirators will still remain in the republic; if, as I have long been exhorting you, you depart, your companions, these worthless dregs of the republic, will be drawn off from the city too. What is the matter, Catiline? Do you hesitate to do that when I order you which you were already doing of your own accord? The consul orders an enemy to depart from the city. Do you ask me, Are you to go into banishment? I do not order it; but, if you consult me, I advise it.

For what is there, O Catiline, that can now afford you any pleasure in this city? for there is no one in it, except that band of profligate conspirators of yours, who does not fear you—no one who does not hate you. What brand of domestic baseness is

not stamped upon your life? What disgraceful circumstance is wanting to your infamy in your private affairs? From what licentiousness have your eyes, from what atrocity have your hands, from what iniquity has your whole body, ever abstained? Is there one youth, when you have once entangled him in the temptations of your corruption, to whom you have not held out a sword for audacious crime, or a torch for licentious wickedness?

What? when lately by the death of your former wife you had made your house empty and ready for a new bridal, did you not even add another incredible wickedness to this wickedness? But I pass that over, and willingly allow it to be buried in silence, that so horrible a crime may not be seen to have existed in this city, and not to have been chastised. I pass over the ruin of your fortune, which you know is hanging over you against the ides of the very next month; I come to those things which relate not to the infamy of your private vices, not to your domestic difficulties and baseness, but to the welfare of the republic and to the lives and safety of us all.

Can the light of this life, O Catiline, can the breath of this atmosphere be pleasant to you, when you know that there is not one man of those here present who is ignorant that you, on the last day of the year, when Lepidus and Tullius were consuls, stood in the assembly armed; that you had prepared your hand for the slaughter of the consuls and chief men of the state, and that no reason or fear of yours hindered your crime and madness, but the fortune of the republic? And I say no more of these things, for they are not unknown to everyone. How often have you endeavored to slay me, both as consul elect and as actual consul? how many shots of yours, so aimed that they seemed impossible to be escaped, have I avoided by some slight stooping aside, and some dodging, as it were, of my body? You attempt nothing, you execute nothing, you devise nothing that can be kept hid from me at the proper time; and yet you do not cease to attempt and to contrive. How often already has that dagger of yours been wrested from your hands? how often has it slipped through them by some chance, and dropped down? and yet you cannot any longer do without it; and to what sacred mysteries it is consecrated and devoted by you I know not, that you think it necessary to plunge it in the body of the consul.

But now, what is that life of yours that you are leading? For I will speak to you not so as to seem influenced by the hatred I ought to feel, but by pity, nothing of which is due to you. You came a little while ago into the Senate: in so numerous an assembly, who of so many friends and connections of yours saluted you? If this in the memory of man never happened to any one else, are you waiting for insults by word of mouth, when you are overwhelmed by the most irresistible condemnation of silence? Is it nothing that at your arrival all those seats were vacated? that all the men of consular rank, who had often been marked out by you for slaughter, the very moment you sat down, left that part of the benches bare and vacant? With what feelings do you think you ought to bear this? On my honor, if my slaves feared me as all your fellow-citizens fear you, I should think I must leave my house. Do not you think you should leave the ctiy? If I saw that I was even undeservedly so suspected and hated by my fellow-citizens, I would rather flee from their sight than be gazed at by the hostile eyes of everyone. And do you, who, from the consciousness of your wickedness, know that the hatred of all men is just and has been long due to you, hesitate to avoid the sight and presence of those men whose minds and senses you offend? If your parents feared and hated you, and if you could by no means pacify them, you would, I think, depart somewhere out of their sight. Now, your country, which is the common parent of all of us, hates and fears you, and has no other opinion of you, than that you are meditating parricide in her case; and will you neither feel awe of her authority, nor deference for her judgment, nor fear of her power?

And she, O Catiline, thus pleads with you, and after a manner silently speaks to you: There has now for many years been no crime committed but by you; no atrocity has taken place without you; you alone unpunished and unquestioned have murdered the citizens, have harassed and plundered the allies; you alone have had power not only to neglect all laws and investigations, but to overthrow and break through them. Your former actions, though they ought not to have been borne, yet I did bear as well as I could; but now that I should be wholly occupied with fear of you alone, that at every sound I should dread Catiline, that no design should seem possible to be entertained against me which does not proceed from your wickedness, this is

no longer endurable. Depart, then, and deliver me from this fear; that, if it be a just one, I may not be destroyed; if an imaginary one, that at least I may at last cease to fear.

If, as I have said, your country were thus to address you, ought she not to obtain her request, even if she were not able to enforce it? What shall I say of your having given yourself into custody? what of your having said, for the sake of avoiding suspicion, that you were willing to dwell in the house of Marcus Lepidus? And when you were not received by him, you dared even to come to me, and begged me to keep you in my house; and when you had received answer from me that I could not possibly be safe in the same house with you, when I considered myself in great danger as long as we were in the same city, you came to Quintus Metellus, the prætor, and being rejected by him, you passed on to your associate, that most excellent man, Marcus Marcellus, who would be, I suppose you thought, most diligent in guarding you, most sagacious in suspecting you, and most bold in punishing you; but how far can we think that man ought to be from bonds and imprisonment who has already judged himself deserving of being given into custody?

Since, then, this is the case, do you hesitate, O Catiline, if you cannot remain here with tranquillity, to depart to some distant land, and to trust your life, saved from just and deserved punishment, to flight and solitude? Make a motion, say you, to the Senate (for that is what you demand), and if this body votes that you ought to go into banishment, you say that you will obey. I will not make such a motion, it is contrary to my principles, and yet I will let you see what these men think of you. Be gone from the city, O Catiline, deliver the republic from fear; depart into banishment, if that is the word you are waiting for. What now, O Catiline? Do you not perceive, do you not see the silence of these men? they permit it, they say nothing; why wait you for the authority of their words, when you see their wishes in their silence?

But had I said the same to this excellent young man, Publius Sextius, or to that brave man, Marcus Marcellus, before this time the Senate would deservedly have laid violent hands on me, consul though I be, in this very temple. But as to you, Catiline, while they are quiet they approve, while they permit me to speak they vote, while they are silent they are loud and eloquent. And

not they alone, whose authority forsooth is dear to you, though their lives are unimportant, but the Roman knights too, those most honorable and excellent men, and the other virtuous citizens who are now surrounding the Senate, whose numbers you could see, whose desires you could know, and whose voices you a few minutes ago could hear—ay, whose very hands and weapons I have for some time been scarcely able to keep off from you; but those, too, I will easily bring to attend you to the gates if you leave these places you have been long desiring to lay waste.

And yet, why am I speaking? that anything may change your purpose? that you may ever amend your life? that you may meditate flight or think of voluntary banishment? I wish the gods may give you such a mind; though I see, if alarmed at my words you bring your mind to go into banishment, what a storm of unpopularity hangs over me, if not at present, while the memory of your wickedness is fresh, at all events hereafter. But it is worth while to incur that, as long as that is but a private misfortune of my own, and is unconnected with the dangers of the republic. But we cannot expect that you should be concerned at your own vices, that you should fear the penalties of the laws, or that you should yield to the necessities of the republic, for you are not, O Catiline, one whom either shame can recall from infamy, or fear from danger, or reason from madness.

Wherefore, as I have said before, go forth, and if you wish to make me, your enemy as you call me, unpopular, go straight into banishment. I shall scarcely be able to endure all that will be said if you do so; I shall scarcely be able to support my load of unpopularity if you do go into banishment at the command of the consul; but if you wish to serve my credit and reputation, go forth with your ill-omened band of profligates; betake yourself to Manlius, rouse up the abandoned citizens, separate yourself from the good ones, wage war against your country, exult in your impious banditti, so that you may not seem to have been driven out by me and gone to strangers, but to have gone invited to your own friends.

Though why should I invite you, by whom I know men have been already sent on to wait in arms for you at the forum Aurelium; who I know has fixed and agreed with Manlius upon a settled day; by whom I know that that silver eagle, which I trust will be ruinous and fatal to you and to all your friends, and

to which there was set up in your house a shrine as it were of your crimes, has been already sent forward. Need I fear that you can long do without that which you used to worship when going out to murder, and from whose altars you have often transferred your impious hand to the slaughter of citizens?

You will go at last where your unbridled and mad desire has been long hurrying you. And this causes you no grief, but an incredible pleasure. Nature has formed you, desire has trained you, fortune has preserved you for this insanity. Not only did you never desire quiet, but you never even desired any war but a criminal one; you have collected a band of profligates and worthless men, abandoned not only by all fortune but even by hope.

Then what happiness will you enjoy! with what delight will you exult! in what pleasure will you revel! when in so numerous a body of friends, you neither hear nor see one good man. All the toils you have gone through have always pointed to this sort of life; your lying on the ground not merely to lie in wait to gratify your unclean desires, but even to accomplish crimes; your vigilance, not only when plotting against the sleep of husbands, but also against the goods of your murdered victims, have all been preparations for this. Now you have an opportunity of displaying your splendid endurance of hunger, of cold, of want of everything; by which in a short time you will find yourself worn out. All this I effected when I procured your rejection from the consulship, that you should be reduced to make attempts on your country as an exile, instead of being able to distress it as consul, and that that which had been wickedly undertaken by you should be called piracy rather than war.

Now that I may remove and avert, O conscript fathers, any in the least reasonable complaint from myself, listen, I beseech you, carefully to what I say, and lay it up in your inmost hearts and minds. In truth, if my country, which is far dearer to me than my life—if all Italy—if the whole republic were to address me, "Marcus Tullius, what are you doing? will you permit that man to depart whom you have ascertained to be an enemy? whom you see ready to become the general of the war? whom you know to be expected in the camp of the enemy as their chief, the author of all this wickedness, the head of the con-

spiracy, the instigator of the slaves and abandoned citizens, so that he shall seem not driven out of the city by you, but let loose by you against the city? Will you not order him to be thrown into prison, to be hurried off to execution, to be put to death with the most prompt severity? What hinders you? is it the customs of our ancestors? But even private men have often in this republic slain mischievous citizens. Is it the laws which have been passed about the punishment of Roman citizens? But in this city those who have rebelled against the republic have never had the rights of citizens. Do you fear odium with posterity? You are showing fine gratitude to the Roman people which has raised you, a man known only by your own actions, of no ancestral renown, through all the degrees of honor at so early an age to the very highest office, if from fear of unpopularity or of any danger you neglect the safety of your fellow-citizens. But if you have a fear of unpopularity, is that arising from the imputation of vigor and boldness, or that arising from that of inactivity and indecision most to be feared? When Italy is laid waste by war, when cities are attacked and houses in flames, do you not think that you will be then consumed by a perfect conflagration of hatred?"

To this holy address of the republic, and to the feelings of those men who entertain the same opinion, I will make this short answer: If, O conscript fathers, I thought it best that Catiline should be punished with death, I would not have given the space of one hour to this gladiator to live in. If, forsooth, those excellent men and most illustrious cities not only did not pollute themselves, but even glorified themselves by the blood of Saturninus, and the Gracchi, and Flaccus, and many others of old time, surely I had no cause to fear lest for slaying this parricidal murderer of the citizens any unpopularity should accrue to me with posterity. And if it did threaten me to ever so great a degree, yet I have always been of the disposition to think unpopularity earned by virtue and glory, not unpopularity.

Though there are some men in this body who either do not see what threatens, or dissemble what they do see; who have fed the hope of Catiline by mild sentiments, and have strengthned the rising conspiracy by not believing it; influenced by whose authority many, and they not wicked, but only ignorant, if I punished him, would say that I had acted cruelly and tyrannically.

But I know that if he arrives at the camp of Manlius to which he is going, there will be no one so stupid as not to see that there has been a conspiracy, no one so hardened as not to confess it. But if this man alone were put to death, I know that this disease of the republic would be only checked for a while, not eradicated forever. But if he banishes himself, and takes with him all his friends, and collects at one point all the ruined men from every quarter, then not only will this full-grown plague of the republic be extinguished and eradicated, but also the root and seed of all future evils.

We have now for a long time, O conscript fathers, lived among these dangers and machinations of conspiracy; but somehow or other, the ripeness of all wickedness, and of this long-standing madness and audacity, has come to a head at the time of my consulship. But if this man alone is removed from this piratical crew, we may appear, perhaps, for a short time relieved from fear and anxiety, but the danger will settle down and lie hid in the veins and bowels of the republic. As it often happens that men afflicted with a severe disease, when they are torturd with heat and fever, if they drink cold water, seem at first to be relieved, but afterward suffer more and more severely; so this disease which is in the republic, if relieved by the punishment of this man, will only get worse and worse, as the rest will be still alive.

Wherefore, O conscript fathers, let the worthless begone—let them separate themselves from the good—let them collect in one place—let them, as I have often said before, be separated from us by a wall; let them cease to plot against the consul in his own house—to surround the tribunal of the city prætor—to besiege the senate-house with swords—to prepare brands and torches to burn the city; let, it, in short, be written on the brow of every citizen, what are his sentiments about the republic. I promise you this, O conscript fathers, that there shall be so much diligence in us the consuls, so much authority in you, so much virtue in the Roman knights, so much unanimity in all good men, that you shall see everything made plain and manifest by the departure of Catiline—everything checked and punished.

With these omens, O Catiline, begone to your impious and nefarious war, to the great safety of the republic, to your own

misfortune and injury, and to the destruction of those who have joined themselves to you in every wickedness and atrocity. Then do you, O Jupiter, who were consecrated by Romulus with the same auspices as this city, whom we rightly call the stay of this city and empire, repel this man and his companions from your altars and from the other temples—from the houses and walls of the city—from the lives and fortunes of all the citizens; and overwhelm all the enemies of good men, the foes of the republic, the robbers of Italy, men bound together by a treaty and infamous alliance of crimes, dead and alive, with eternal punishments.

SECOND ORATION AGAINST CATILINE

THE ARGUMENT

Catiline did not venture to make any reply to the former speech, but he begged the Senate not to be too hasty in believing everything which was said to his prejudice by one who had always been his enemy, as Cicero had; and alleged his high birth, and the stake which he had in the prosperity of the commonwealth, as arguments to make it appear improbable that he should seek to injure it; and called Cicero a stranger, and a new inhabitant of Rome. But the Senate interrupted him with a general outcry, calling him traitor and parricide. Upon which, being rendered furious and desperate, he declared aloud what he had before said to Cato, that since he was circumvented and driven headlong by his enemies, he would quench the flame which his enemies were kindling around him in the common ruin. And so he rushed out of the temple. On his arrival at his own house he held a brief conference with the other conspirators, in which it was resolved that he should go at once to the camp of Manlius, and return as speedily as he could at the head of the army which was there awaiting him. Accordingly, that night he left Rome with a small retinue, and made the best of his way toward Etruria. His friends gave out that he had gone into voluntary banishment at Marseilles, and spread that report through the city the next morning, in order to excite odium against Cicero, as having driven him out without any trial or proof of his guilt. But Cicero was aware of his motions, and knew that he had previously sent a quantity of arms, and military ensigns, and especially a silver eagle which he had been used to keep in his own house with a superstitious reverence, because it had been used by the great Marius in his expedition against the Cimbri. However, he thought it desirable to counteract the story of his having gone into exile, and therefore summoned the people into the forum, and made them the following speech.

SECOND ORATION AGAINST CATILINE

AT length, O Romans, we have dismissed from the city, or driven out, or, when he was departing of his own accord, we have pursued with words, Lucius Catiline, mad with audacity, breathing wickedness, impiously planning mischief to his country, threatening fire and sword to you and to this city. He is gone, he has departed, he has disappeared, he has rushed out. No injury will now be prepared against these walls within the walls themselves by that monster and prodigy of wickedness. And we have, without controversy, defeated him, the sole general of this domestic war. For now that dagger will no longer hover about our sides; we shall not be afraid in the campus, in the forum, in the senate-house—ay, and within our own private walls. He was moved from his place when he was driven from the city. Now we shall openly carry on a regular war with an enemy without hinderance. Beyond all question we ruin the man; we have defeated him splendidly when we have driven him from secret treachery into open warfare. But that he has not taken with him his sword red with blood as he intended—that he has left us alive—that we wrested the weapon from his hands—that he has left the citizens safe and the city standing, what great and overwhelming grief must you think that this is to him! Now he lies prostrate, O Romans, and feels himself stricken down and abject, and often casts back his eyes toward this city, which he mourns over as snatched from his jaws, but which seems to me to rejoice at having vomited forth such a pest, and cast it out of doors.

But if there be anyone of that disposition which all men should have, who yet blames me greatly for the very thing in which my speech exults and triumphs—namely, that I did not arrest so capital mortal an enemy rather than let him go—that is not my fault, O citizens, but the fault of the times. Lucius Catiline ought to have been visited with the severest punish-

ment, and to have been put to death long since; and both the customs of our ancestors, and the rigor of my office, and the republic, demanded this of me; but how many, think you, were there who did not believe what I reported? how many who out of stupidity did not think so? how many who even defended him? how many who, out of their own depravity, favored him? If, in truth, I had thought that, if he were removed, all danger would be removed from you, I would long since have cut off Lucius Catiline, had it been at the risk, not only of my popularity, but even of my life.

But as I saw that, since the matter was not even then proved to all of you, if I had punished him with death, as he had deserved, I should be borne down by unpopularity, and so be unable to follow up his accomplices, I brought the business on to this point that you might be able to combat openly when you saw the enemy without disguise. But how exceedingly I think this enemy to be feared now that he is out of doors, you may see from this—that I am vexed even that he has gone from the city with but a small retinue. I wish he had taken with him all his forces. He has taken with him Tongillus, with whom he had been said to have a criminal intimacy, and Publicius, and Munatius, whose debts contracted in taverns could cause no great disquietude to the republic. He has left behind him others—you all know what men they are, how overwhelmed with debt, how powerful, how noble.

Therefore, with our Gallic legions, and with the levies which Quintus Metellus has raised in the Picenian and Gallic territory, and with these troops which are every day being got ready by us, I thoroughly despise that army composed of desperate old men, of clownish profligates, and uneducated spendthrifts; of those who have preferred to desert their bail rather than that army, and which will fall to pieces if I show them not the battle array of our army, but an edict of the prætor. I wish he had taken with him those soldiers of his, whom I see hovering about the forum, standing about the senate-house, even coming into the senate, who shine with ointment, who glitter in purple; and if they remain here, remember that that army is not so much to be feared by us as these men who have deserted the army. And they are the more to be feared, because they are aware that I know what they are thinking of, and yet they are not influnced by it.

I know to whom Apulia has been allotted, who has Etruria, who the Picenian territory, who the Gallic district, who has begged for himself the office of spreading fire and sword by night through the city. They know that all the plans of the preceding night are brought to me. I laid them before the Senate yesterday. Catiline himself was alarmed and fled. Why do these men wait? Verily, they are greatly mistaken if they think that former lenity of mine will last forever.

What I have been waiting for, that I have gained—namely, that you should all see that a conspiracy has been openly formed against the republic; unless, indeed, there be anyone who thinks that those who are like Catiline do not agree with Catiline. There is not any longer room for lenity; the business itself demands severity. One thing, even now, I will grant—let them depart, let them begone. Let them not suffer the unhappy Catiline to pine away for want of them. I will tell them the road. He went by the Aurelian road. If they make haste, they will catch him by the evening. O happy republic, if it can cast forth these dregs of the republic! Even now, when Catiline alone is got rid of, the republic seems to me relieved and refreshed; for what evil or wickedness can be devised or imagined which he did not conceive? What prisoner, what gladiator, what thief, what assassin, what parricide, what forger of wills, what cheat, what debauchee, what spendthrift, what adulterer, what abandoned woman, what corrupter of youth, what profligate, what scoundrel can be found in all Italy, who does not avow that he has been on terms of intimacy with Catiline? What murder has been committed for years without him? What nefarious act of infamy that has not been done by him?

But in what other man were there ever so many allurements for youth as in him, who both indulged in infamous love for others, and encouraged their infamous affections for himself, promising to some enjoyment of their lust, to others the death of their parents, and not only instigating them to iniquity, but even assisting them in it. But now, how suddenly had he collected, not only out of the city, but even out of the country, a number of abandoned men? No one, not only at Rome, but in every corner of Italy, was overwhelmed with debt whom he did not enlist in this incredible association of wickedness.

And, that you may understand the diversity of his pursuits,

and the variety of his designs, there was no one in any school of gladiators, at all inclined to audacity, who does not avow himself to be an intimate friend of Catiline—no one on the stage, at all of a fickle and worthless disposition, who does not profess himself his companion. And he, trained in the practice of insult and wickedness, in enduring cold, and hunger, and thirst, and watching, was called a brave man by those fellows, while all the appliances of industry and instruments of virtue were devoted to lust and atrocity.

But if his companions follow him—if the infamous herd of desperate men depart from the city, O happy shall we be, fortunate will be the republic, illustrious will be the renown of my consulship. For theirs is no ordinary insolence—no common and endurable audacity. They think of nothing but slaughter, conflagration, and rapine. They have dissipated their patrimonies, they have squandered their fortunes. Money has long failed them, and now credit begins to fail; but the same desires remain which they had in their time of abundance. But if in their drinking and gambling parties they were content with feasts and harlots, they would be in a hopeless state indeed; but yet they might be endured. But who can bear this—that indolent men should plot against the bravest; drunkards against the sober; men asleep against men awake; men lying at feasts, embracing abandoned women, languid with wine, crammed with food, crowned with chaplets, reeking with ointments, worn out with lust, belch out in their discourse the murder of all good men, and the conflagration of the city?

But I am confident that some fate is hanging over these men; and that the punishment long since due to their iniquity, and worthlessness, and wickedness, and lust, is either visibly at hand or at least rapidly approaching. And if my consulship shall have removed, since it cannot cure them, it will have added, not some brief span, but many ages of existence to the republic. For there is no nation for us to fear—no king who can make war on the Roman people. All foreign affairs are tranquillized, both by land and sea, by the valor of one man. Domestic war alone remains. The only plots against us are within our own walls—the danger is within—the enemy is within. We must war with luxury, with madness, with wickedness. For this war, O citizens, I offer myself as the general. I take on myself the

enmity of profligate men. What can be cured, I will cure, by whatever means it may be possible. What must be cut away, I will not suffer to spread, to the ruin of the republic. Let them depart, or let them stay quiet; or if they remain in the city and in the same disposition as at present, let them expect what they deserve.

But there are men, O Romans, who say that Catiline has been driven by me into banishment. But if I could do so by a word, I would drive out those also who say so. Forsooth, that timid, that excessively bashful man could not bear the voice of the consul; as soon as he was ordered to go into banishment, he obeyed, he was quiet. Yesterday, when I had been all but murdered at my own house, I convoked the Senate in the temple of Jupiter Stator; I related the whole affair to the conscript fathers; and when Catiline came thither, what senator addressed him? who saluted him? who looked upon him not so much even as an abandoned citizen, as an implacable enemy? Nay, the chiefs of that body left that part of the benches to which he came naked and empty.

On this I, that violent consul, who drive citizens into exile by a word, asked of Catiline whether he had been at the nocturnal meeting at Marcus Lecca's, or not; when that most audacious man, convicted by his own conscience, was at first silent. I related all the other circumstances; I described what he had done that night, where he had been, what he had arranged for the next night, how the plan of the whole war had been laid down by him. When he hesitated, when he was convicted, I asked why he hesitated to go whither he had been long preparing to go; when I knew that arms, that the axes, the fasces, and trumpets, and military standards, and that silver eagle to which he had made a shrine in his own house, had been sent on, did I drive him into exile who I knew had already entered upon war? I suppose Manlius, that centurion who has pitched his camp in the Fæsulan district, has proclaimed war against the Roman people in his own name; and that camp is not now waiting for Catiline as its general, and he, driven forsooth into exile, will go to Marseilles, as they say, and not to that camp.

O the hard lot of those, not only of those who govern, but even of those who save the republic. Now, if Lucius Catiline, hemmed in and rendered powerless by my counsels, by my toils,

by my dangers, should on a sudden become alarmed, should change his designs, should desert his friends, should abandon his design of making war, should change his path from this course of wickedness and war, and betake himself to flight and exile, he will not be said to have been deprived by me of the arms of his audacity, to have been astounded and terrified by my diligence, to have been driven from his hope and from his enterprise, but, uncondemned and innocent, to have been driven into banishment by the consul by threats and violence; and there will be some who will seek to have him thought not worthless but unfortunate, and me considered not a most active consul, but a most cruel tyrant. I am not unwilling, O Romans, to endure this storm of false and unjust popularity as long as the danger of this horrible and nefarious war is warded off from you. Let him be said to be banished by me as long as he goes into banishment; but, believe me, he will not go. I will never ask of the immortal gods, O Romans, for the sake of lightening my own unpopularity, for you to hear that Lucius Catiline is leading an army of enemies, and is hovering about in arms; but yet in three days you will hear it. And I much more fear that it will be objected to me some day or other that I have let him escape, rather than that I have banished him. But when there are men who say he has been banished because he has gone away, what would these men say if he had been put to death?

Although those men who keep saying that Catiline is going to Marseilles do not complain of this so much as they fear it; for there is not one of them so inclined to pity, as not to prefer that he should go to Manlius rather than to Marseilles. But he, if he had never before planned what he is now doing, yet would rather be slain while living as a bandit, than live as an exile; but now, when nothing has happened to him contrary to his own wish and design—except, indeed, that he has left Rome while we are alive—let us wish rather that he may go into exile than complain of it.

But why are we speaking so long about one enemy; and about that enemy who now avows that he is one; and whom I now do not fear, because, as I have always wished, a wall is between us; and are saying nothing about those who dissemble, who remain at Rome, who are among us? Whom, indeed, if it were by any means possible, I should be anxious not so much to

chastise as to cure, and to make friendly to the republic; nor, if they will listen to me, do I quite know why that may not be. For I will tell you, O Romans, of what classes of men those forces are made up, and then, if I can, I will apply to each the medicine of my advice and persuasion.

There is one class of them, who, with enormous debts, have still greater possessions, and who can by no means be detached from their affection to them. Of these men the appearance is most respectable, for they are wealthy, but their intention and their cause are most shameless. Will you be rich in lands, in houses, in money, in slaves, in all things, and yet hesitate to diminish your possessions to add to your credit? What are you expecting? War? What! in the devastation of all things, do you believe that your own possessions will be held sacred? do you expect an abolition of debts? They are mistaken who expect that from Catiline. There may be schedules made out, owing to my exertions, but they will be only catalogues of sale. Nor can those who have possessions be safe by any other means; and if they had been willing to adopt this plan earlier, and not, as is very foolish, to struggle on against usury with the profits of their farms, we should have them now richer and better citizens. But I think these men are the least of all to be dreaded, because they can either be persuaded to abandon their opinions, or if they cling to them, they seem to me more likely to form wishes against the republic than to bear arms against it.

There is another class of them, who, although they are harassed by debt, yet are expecting supreme power; they wish to become masters. They think that when the republic is in confusion they may gain those honors which they despair of when it is in tranquillity. And they must, I think, be told the same as everyone else—to despair of obtaining what they are aiming at; that in the first place, I myself am watchful for, am present to, am providing for the republic. Besides that, there is a high spirit in the virtuous citizens, great unanimity, great numbers, and also a large body of troops. Above all that, the immortal gods will stand by and bring aid to this invincible nation, this most illustrious empire, this most beautiful city, against such wicked violence. And if they had already got that which they with the greatest madness wish for, do they think that in the ashes of the city and blood of the citizens, which in their wicked

and infamous hearts they desire, they will become consuls and dictators, and even kings? Do they not see that they are wishing for that which, if they were to obtain it, must be given up to some fugitive slave, or to some gladiator?

There is a third class, already touched by age, but still vigorous from constant exercise; of which class is Manlius himself, whom Catiline is now succeeding. These are men of those colonies which Sylla established at Fæsulæ, which I know to be composed, on the whole, of excellent citizens and brave men; but yet these are colonists, who, from becoming possessed of unexpected and sudden wealth, boast themselves extravagantly and insolently; these men, while they build like rich men, while they delight in farms, in litters, in vast families of slaves, in luxurious banquets, have incurred such great debts, that, if they would be saved, they must raise Sylla from the dead; and they have even excited some countrymen, poor and needy men, to entertain the same hopes of plunder as themselves. And all these men, O Romans, I place in the same class of robbers and banditti. But, I warn them, let them cease to be mad, and to think of proscriptions and dictatorships; for such a horror of these times in ingrained into the city, that not even men, but it seems to me that even the very cattle would refuse to bear them again.

There is a fourth class, various, promiscuous, and turbulent; who indeed are now overwhelmed; who will never recover themselves; who, partly from indolence, partly from managing their affairs badly, partly from extravagance, are embarrassed by old debts; and worn out with bail-bonds, and judgments, and seizures of their goods, are said to be betaking themselves in numbers to that camp both from the city and the country. These men I think not so much active soldiers as lazy insolvents; who, if they cannot stand at first, may fall, but fall so, that not only the city but even their nearest neighbors know nothing of it. For I do not understand why, if they cannot live with honor, they should wish to die shamefully; or why they think they shall perish with less pain in a crowd, than if they perish by themselves.

There is a fifth class, of parricides, assassins, in short of all infamous characters, whom I do not wish to recall from Catiline, and indeed they cannot be separated from him. Let them

perish in their wicked war, since they are so numerous that a prison cannot contain them.

There is a last class, last not only in number but in the sort of men and in their way of life; the especial bodyguard of Catiline, of his levying; ay, the friends of his embraces and of his bosom; whom you see with carefully combed hair, glossy, beardless, or with well-trimmed beards; with tunics with sleeves, or reaching to the ankles; clothed with veils, not with robes; all the industry of whose life, all the labor of whose watchfulness, is expended in suppers lasting till daybreak.

In these bands are all the gamblers, all the adulterers, all the unclean and shameless citizens. These boys, so witty and delicate, have learned not only to love and to be loved, not only to sing and to dance, but also to brandish daggers and to administer poisons; and unless they are driven out, unless they die, even should Catiline die, I warn you that the school of Catiline would exist in the republic. But what do those wretches want? Are they going to take their wives with them to the camp? How can they do without them, especially in these nights? and how will they endure the Apennines, and these frosts, and this snow? unless they think that they will bear the winter more easily because they have been in the habit of dancing naked at their feasts. O war much to be dreaded, when Catiline is going to have his bodyguard of prostitutes!

Array now, O Romans, against these splendid troops of Catiline, your guards and your armies; and first of all oppose to that worn-out and wounded gladiator your consuls and generals; then against that banished and enfeebled troop of ruined men lead out the flower and strength of all Italy; instantly the cities of the colonies and municipalities will match the rustic mounds of Catiline; and I will not condescend to compare the rest of your troops and equipments and guards with the want and destitution of that highwayman. But if, omitting all these things in which we are rich and of which he is destitute—the Senate, the Roman knights, the people, the city, the treasury, the revenues, all Italy, all the provinces, foreign nations—if, I say, omitting all these things, we choose to compare the causes themselves which are opposed to one another, we may understand from that alone how thoroughly prostrate they are. For on the one side are fighting modesty, on the other wantonness;

on the one chastity, on the other uncleanliness; on the one honesty, on the other fraud; on the one piety, on the other wickedness; on the one consistency, on the other insanity; on the one honor, on the other baseness; on the one continence, on the other lust; in short, equity, temperance, fortitude, prudence, all the virtues contend against iniquity with luxury, against indolence, against rashness, against all the vices; lastly, abundance contends against destitution, good plans against baffled designs, wisdom against madness, well-founded hope against universal despair. In a contest and war of this sort, even if the zeal of men were to fail, will not the immortal gods compel such numerous and excessive vices to be defeated by these most eminent virtues?

And as this is the case, O Romans, do ye, as I have said before, defend your house with guards and vigilance. I have taken care and made arrangements that there shall be sufficient protection for the city without distressing you and without any tumult. All the colonists and citizens of your municipal towns, being informed by me of this nocturnal sally of Catiline, will easily defend their cities and territories; the gladiators which he thought would be his most numerous and most trusty band, although they are better disposed than part of the patricians, will be held in check by our power. Quintus Metellus, whom I, making provision for this, sent on to the Gallic and Picenian territory, will either overwhelm the man, or will prevent all his motions and attempts; but with respect to the arrangement of all other matters, and maturing and acting on our plans, we shall consult the Senate, which, as you are aware, is convened.

Now once more I wish those who have remained in the city, and who, contrary to the safety of the city and of all of you, have been left in the city by Catiline, although they are enemies, yet because they were born citizens, to be warned again and again by me. If my lenity has appeared to anyone too remiss, it has been only waiting that that might break out which was lying hid. As to the future, I cannot now forget that this is my country, that I am the consul of these citizens; that I must either live with them, or die for them. There is no guard at the gate, no one plotting against their path; if anyone wishes to go, he can provide for himself; but if anyone stirs in the city, and if I detect not only any action, but any attempt or design

against the country, he shall feel that there are in this city vigilant consuls, eminent magistrates, a brave Senate, arms, and prisons; which our ancestors appointed as the avengers of nefarious and convicted crimes.

And all this shall be so done, O Romans, that affairs of the greatest importance shall be transacted with the least possible disturbance; the greatest dangers shall be avoided without any tumult; an internal civil war the most cruel and terrible in the memory of man, shall be put an end to by me alone in the robe of peace acting as general and commander-in-chief. And this I will so arrange, O Romans, that if it can be by any means managed, even the most worthless man shall not suffer the punishment of his crimes in this city. But if the violence of open audacity, if danger impending over the republic drives me of necessity from this merciful disposition, at all events I will manage this, which seems scarcely even to be hoped for in so great and so treacherous a war, that no good man shall fall, and that you may all be saved by the punishment of a few.

And I promise you this, O Romans, relying neither on my own prudence, nor on human counsels, but on many and manifest intimations of the will of the immortal gods; under whose guidance I first entertained this hope and this opinion; who are now defending their temples and the houses of the city, not afar off, as they were used to, from a foreign and distant enemy, but here on the spot, by their own divinity and present help. And you, O Romans, ought to pray to and implore them to defend from the nefarious wickedness of abandoned citizens, now that all the forces of all enemies are defeated by land and sea, this city which they have ordained to be the most beautiful and flourishing of all cities.

THIRD ORATION AGAINST CATILINE

THE ARGUMENT

While Cicero was addressing the preceding speech to the people, a debate was going on in the Senate of which we have no account. In the mean while Catiline, after staying a few days on the road to raise the country as he passed along, where his agents had been previously busy among the people, proceeded to Manlius's camp with the fasces and all the ensigns of military command displayed before him. Upon this news the Senate immediately declared him and Manlius public enemies; they offered pardon to all his followers who should return to their duty by a certain day; and ordered the consuls to make new levies, and that Antonius should follow Catiline with his army, and Cicero remain behind to protect the city.

In the mean time Lentulus, and the other conspirators who remained behind, were proceeding with their designs. And among other steps they decided on endeavoring to tamper with some ambassadors from the Allobroges, who were at that moment within the city, as the Allobroges were supposed not to be very well affected to the Roman power. At first these ambassadors appear to have willingly given ear to their proposals; but after a while they began to consider the difficulty of the business proposed to them, and the danger which would ensue to their state if it failed after they had become implicated in it; and accordingly they revealed the business to Quintus Fabius Sanga, the patron of their city, who communicated it to Cicero. Cicero desired the ambassadors to continue to listen to the proposals of the conspirators, till they had become fully acquainted with the extent of the plot, and till they were able to furnish him with full evidence against the actors in it; and by his suggestion they required the conspirators to furnish them with credentials to show to their countrymen. This was thought reasonable by Lentulus and his party, and they accordingly appointed a man named Vulturcius to accompany them, who was to introduce them to Catiline on their road, in order to confirm the agreement, and to exchange pledges with him, and Lentulus also furnished them with a letter to Catiline under his own hand and seal, though not signed. Cicero being privately informed of all these particulars, concerted with the ambassadors the time and manner of their leaving Rome by night, and had them arrested on the Mulvian bridge, about a mile from the city, with these letters and papers in their possession. This was all done, and they brought as prisoners to Cicero's house early in the morning.

Cicero immediately summoned the Senate; and at the same time he

sent for Lentulus, Cethegus, and others of the conspirators who were more especially implicated, such as Gabinius and Statilius, who all came immediately to his house, being ignorant of the discovery that had taken place. Being informed also that a quantity of arms had been provided by Cethegus for the purpose of the conspiracy, he orders Caius Sulpicius, one of the prætors, to search his house, and he did so, and found a great number of swords and daggers ready cleaned and fit for use.

He then proceeds to meet the Senate in the Temple of Concord, with the ambassadors and conspirators in custody. He relates the whole affair to them, and introduces Vulturcius to be examined before them. Cicero, by the order of the Senate, promises him pardon and reward if he reveals what he knew. On which he confesses everything; tells them that he had letters from Lentulus to Catiline to urge him to avail himself of the assistance of the slaves, and to lead his army with all expedition against Rome; in order, when the city had been set on fire, and the massacre commenced, that he might be able to intercept and destroy those who fled.

Then the ambassadors were examined, who declared that they had received letters to the chief men of their nation from Lentulus, Cethegus, and Statilius; and that they, and Lucius Cassius also, begged them to send a body of cavalry into Italy, and that Lentulus assured them, from the Sibylline books, that he was the third Cornelius who was destined to reign at Rome. The letters were produced and opened. On the sight of them the conspirators respectively acknowledged them to be theirs, and Lentulus was even so conscience-stricken that he confessed his whole crime.

The Senate passed a vote acknowledging the services of Cicero in the most ample terms, and voted that Lentulus should be deposed from his office of prætor, and, with all the other conspirators, committed to safe custody. Cicero, after the Senate adjourned, proceeded to the forum and gave an account to the people of everything which had passed, both in regard to the steps that he had taken to detect the whole conspiracy, and to convict the conspirators; and also of what had taken place in the Senate, and of the votes and resolutions which that body had just passed.

While the prisoners were before the Senate he had copies of their examinations and confessions taken down, and dispersed through Italy and all the provinces. This happened on the third of December.

THIRD ORATION AGAINST CATILINE

YOU see this day, O Romans, the republic, and all your lives, your goods, your fortunes, your wives and children, this home of most illustrious empire, this most fortunate and beautiful city, by the great love of the immortal gods for you, by my labors and counsels and dangers, snatched from fire and sword, and almost from the very jaws of fate, and preserved and restored to you.

And if those days on which we are preserved are not less pleasant to us, or less illustrious, than those on which we are born, because the joy of being saved is certain, the good fortune of being born uncertain, and because we are born without feeling it, but we are preserved with great delight; ay, since we have, by our affection and by our good report, raised to the immortal gods that Romulus who built this city, he, too, who has preserved this city, built by him, and embellished as you see it, ought to be held in honor by you and your posterity; for we have extinguished flames which were almost laid under and placed around the temples and shrines, and houses and walls of the whole city; we have turned the edge of swords drawn against the republic, and have turned aside their points from your throats. And since all this has been displayed in the Senate, and made manifest, and detected by me, I will now explain it briefly, that you, O citizens, that are as yet ignorant of it, and are in suspense, may be able to see how great the danger was, how evident and by what means it was detected and arrested. First of all, since Catiline, a few days ago, burst out of the city, when we had left behind the companions of his wickedness, the active leaders of this infamous war, I have continually watched and taken care, O Romans, of the means by which we might be safe amid such great and such carefully concealed treachery.

Farther, when I drove Catiline out of the city (for I do not fear the unpopularity of this expression, when that is more to

be feared that I should be blamed because he has departed alive), but then when I wished him to be removed, I thought either that the rest of the band of conspirators would depart with him, or that they who remained would be weak and powerless without him.

And I, as I saw that those whom I knew to be inflamed with the greatest madness and wickedness were among us, and had remained at Rome, spent all my nights and days in taking care to know and see what they were doing, and what they were contriving; that, since what I said would, from the incredible enormity of the wickedness, make less impression on your ears, I might so detect the whole business that you might with all your hearts provide for your safety, when you saw the crime with your own eyes. Therefore, when I found that the ambassadors of the Allobroges had been tampered with by Publius Lentulus, for the sake of exciting a Transalpine war and commotion in Gaul, and that they, on their return to Gaul, had been sent with letters and messages to Catiline on the same road, and that Vulturcius had been added to them as a companion, and that he, too, had had letters given him for Catiline, I thought that an opportunity was given me of contriving what was most difficult, and which I was always wishing the immortal gods might grant, that the whole business might be manifestly detected not by me alone, but by the Senate also, and by you.

Therefore, yesterday I summoned Lucius Flaccus and C. Pomtinus, the prætors, brave men and well affected to the republic. I explained to them the whole matter, and showed them what I wished to have done. But they, full of noble and worthy sentiments toward the republic, without hesitation, and without any delay, undertook the business, and when it was evening, went secretly to the Mulvian bridge, and there so distributed themselves in the nearest villas, that the Tiber and the bridge was between them. And they took to the same place, without anyone having the least suspicion of it, many brave men, and I had sent many picked young men of the prefecture of Reate, whose assistance I constantly employ in the protection of the republic, armed with swords. In the mean time, about the end of the third watch, when the ambassadors of the Allobroges, with a great retinue and Vulturcius with them,

began to come upon the Mulvian bridge, an attack is made upon them; swords are drawn both by them and by our people; the matter was understood by the prætors alone, but was unknown to the rest.

Then, by the intervention of Pomtinus and Flaccus, the fight which had begun was put an end to; all the letters which were in the hands of the whole company are delivered to the prætors with the seals unbroken; the men themselves are arrested and brought to me at daybreak. And I immediately summoned that most worthless contriver of all this wickedness, Gabinius, as yet suspecting nothing; after him, P. Statilius is sent for, and after him Cethegus; but Lentulus was a long time in coming—I suppose, because, contrary to his custom, he had been up a long time the night before, writing letters.

But when those most noble and excellent men of the whole city, who, hearing of the matter, came in crowds to me in the morning, thought it best for me to open the letters before I related the matter to the Senate, lest, if nothing were found in them, so great a disturbance might seem to have been caused to the state for nothing, I said I would never so act as shrink from referring matter of public danger to the public council. In truth, if, O Romans, these things which had been reported to me had not been found in them, yet I did not think I ought, in such a crisis of the republic, to be afraid of the imputation of over-diligence. I quickly summoned a full Senate, as you saw; and meantime, without any delay, by the advice of the Allobroges, I sent Caius Sulpicius the prætor, a brave man, to bring whatever arms he could find in the house of Cethegus, whence he did bring a great number of swords and daggers.

I introduced Vulturcius without the Gauls. By the command of the Senate, I pledged him the public faith for his safety. I exhorted him fearlessly to tell all he knew. Then, when he had scarcely recovered himself from his great alarm, he said: that he had messages and letters for Catiline, from Publius Lentulus, to avail himself of the guard of the slaves, and to come toward the city with his army as quickly as possible; and that was to be done with the intention that, when they had set fire to the city on all sides, as it had been arranged and distributed, and had made a great massacre of the citizens, he might be at hand to catch those who fled, and to join himself to

the leaders within the city. But the Gauls being introduced, said that an oath had been administered to them, and letters given them by Publius Lentulus, Cethegus, and Statilius, for their nation; and that they had been enjoined by them, and by Lucius Cassius, to send cavalry into Italy as early as possible; that infantry should not be wanting; and that Lentulus had assured him, from the Sibylline oracles and the answers of soothsayers, that he was that third Cornelius to whom the kingdom of sovereignty over this city was fated to come; that Cinna and Sylla had been before him; and that he had also said that was the year destined to the destruction of this city and empire, being the tenth year after the acquittal of the virgins, and the twentieth after the burning of the Capitol. But they said there had been this dispute between Cethegus and the rest—that Lentulus and others thought it best that the massacre should take place and the city be burned at the Saturnalia, but that Cethegus thought it too long to wait.

And, not to detain you, O Romans, we ordered the letters to be brought forward which were said to have been given them by each of the men. First, I showed his seal to Cethegus; he recognized it: we cut the thread; we read the letter. It was written with his own hand: that he would do for the Senate and people of the Allobroges what he had promised their ambassadors; and that he begged them also to do what their ambassadors had arranged. Then Cethegus, who a little before had made answer about the swords and daggers which had been found in his house, and had said that he had always been fond of fine arms, being stricken down and dejected at the reading of his letters, convicted by his own conscience, became suddenly silent. Statilius, being introduced, owned his handwriting and his seal. His letters were read, of nearly the same tenor; he confessed it. Then I showed Lentulus his letters, and asked him whether he recognized the seal? He nodded assent. "But it is," said I, "a well-known seal—the likeness of your grandfather, a most illustrious man, who greatly loved his country and his fellow-citizens; and it, even though silent, ought to have called you back from such wickedness."

Letters are read of the same tenor to the Senate and people of the Allobroges. I offered him leave, if he wished to say anything of these matters: and at first he declined to speak; but a

little afterward, when the whole examination had been gone through and concluded, he rose. He asked the Gauls what he had had to do with them? why they had come to his house? and he asked Vulturcius, too. And when they had answered him briefly and steadily, under whose guidance they had come to him, and how often; and when they asked him whether he had said nothing to them about the Sibylline oracles; then he on a sudden, mad with wickedness, showed how great was the power of conscience; for though he might have denied it, he suddenly, contrary to everyone's expectation, confessed it: so not only did his genius and skill in oratory, for which he was always eminent, but even, through the power of his manifest and detected wickedness, that impudence, in which he surpassed all men, and audacity deserted him.

But Vulturcius on a sudden ordered the letters to be produced and opened which he said had been given to him for Catiline, by Lentulus. And though Lentulus was greatly agitated at that, yet he acknowledged his seal and his handwriting; but the letter was anonymous, and ran thus: "Who I am you will know from him whom I have sent to you: take care to behave like a man, and consider to what place you have proceeded, and provide for what is now necessary for you: take care to associate to yourself the assistance of everyone, even of the powerless." Then Gabinius being introduced, when at first he had begun to answer impudently, at last denied nothing of those things which the Gauls alleged against him. And to me, indeed, O Romans, though the letters, the seals, the handwriting, and the confession of each individual seemed most certain indications and proofs of wickedness, yet their color, their eyes, their countenance, their silence, appeared more certain still; for they stood so stupefied, they kept their eyes so fixed on the ground, at times looking stealthily at one another, that they appeared now not so much to be informed against by others as to be informing against themselves.

Having produced and divulged these proofs, O Romans, I consulted the Senate what ought to be done for the interests of the republic. Vigorous and fearless opinions were delivered by the chief men, which the Senate adopted without any variety; and since the decree of the Senate is not yet written out, I will relate to you from memory, O citizens, what the Senate has

decreed. First of all, a vote of thanks to me is passed in the most honorable words, because the republic has been delivered from the greatest dangers by my valor, and wisdom, and prudence. Then Lucius Flaccus and Caius Pomtinus, the prætors, are deservedly and rightly praised, because I had availed myself of their brave and loyal assistance. And also, praise is given to that brave man, my colleague, because he had removed from his counsels, and from the counsels of the republic, those who had been accomplices in this conspiracy. And they voted that Publius Lentulus, when he had abdicated the prætorship, should be given into custody; and also, that Caius Cethegus, Lucius Statilius, Publius Gabinius, who were all present, should be given into custody; and the same decree was passed against Lucius Cassius, who had begged for himself the office of burning the city; against Marcus Caparius, to whom it had been proved that Apulia had been allotted for the purpose of exciting disaffection among the shepherds; against Publius Furius, who belongs to the colonies which Lucius Sylla led to Fæsulæ; against Quintus Manlius Chilo, who was always associated with this man Furius in his tampering with the Allobroges; against Publius Umbrenus, a freedman, by whom it was proved that the Gauls were originally brought to Gabinius.

And the Senate, O citizens, acted with such lenity, that, out of so great a conspiracy, and such a number and multitude of domestic enemies, it thought that since the republic was saved, the minds of the rest might be restored to a healthy state by the punishment of nine most abandoned men. And also a supplication [1] was decreed in my name (which is the first time since the building of the city that such an honor has ever been paid to a man in a civil capacity), to the immortal gods, for their singular kindness. And it was decreed in these words, "because I had delivered the city from conflagration, the citizens from massacre, and Italy from war." And if this supplication be compared with others, O citizens, there is this difference between them—that all others have been appointed because of the

[1] A supplication was a solemn thanksgiving to the gods, decreed by the Senate, when all the temples were opened and the statues of the gods placed in public upon couches (pulvinaria), to which the people offered up their thanksgivings and prayers. It was usually decreed on the intelligence arriving of any great victory, and the number of days which it was to last was proportioned to the importance of the victory. It was generally regarded as a prelude to a triumph. Of course, from what has been said, it must have been usually confined to generals; who laid aside the toga on leaving the city to assume the command of the army, and assumed the paludamentum, or military robe.

successes of the republic; this one alone for its preservation. And that which was the first thing to be done, has been done and executed; for Publius Lentulus, though, being convicted by proofs and by his own confession, by the judgment of the Senate he had lost not only the rights of a prætor, but also those of a citizen, still resigned his office; so that, though Caius Marcius, that most illustrious of men, had no scruples about putting to death Caius Glaucius the prætor, against whom nothing had been decreed by name, still we are relieved from that scruple in the case of Publius Lentulus, who is now a private individual.

Now, since, O citizens, you have the nefarious leaders of this most wicked and dangerous war taken prisoners and in your grasp, you ought to think that all the resources of Catiline—all his hopes and all his power, now that these dangers of the city are warded off, have fallen to pieces. And, indeed, when I drove him from the city, I foresaw in my mind, O citizens, that if Catiline were removed, I had no cause to fear either the drowsiness of Publius Lentulus, or the fat of Lucius Cassius, or the mad rashness of Cassius Cethegus. He alone was to be feared of all these men, and that only as long as he was within the walls of the city. He knew everything, he had access to everybody. He had the skill and the audacity to address, to tempt, and to tamper with everyone. He had acuteness suited to crime; and neither tongue nor hand ever failed to support that acuteness. Already he had men he could rely on, chosen and distributed for the execution of all other business; and when he had ordered anything to be done, he did not think it was done on that account. There was nothing to which he did not personally attend and see to—for which he did not watch and toil. He was able to endure cold, thirst, and hunger.

Unless I had driven this man, so active, so ready, so audacious, so crafty, so vigilant in wickedness, so industrious in criminal exploits, from his plots within the city to the open warfare of the camp (I will express my honest opinion, O citizens), I should not easily have removed from your necks so vast a weight of evil. He would not have determined on the Saturnalia[2] to massacre you—he would not have announced the destruction of the republic, and even the day of its doom so long

[2] The Saturnalia was a feast of Saturn at which extraordinary license and indulgence were allowed to all the slaves; it took place at the end of December, while this speech of Cicero was delivered early in November.

beforehand—he would never have allowed his seal and his letters, the undeniable witnesses of his guilt, to be taken, which now, since he is absent, has been so done that no larceny in a private house has ever been so thoroughly and clearly detected as this vast conspiracy against the republic. But if Catiline had remained in the city to this day, although, as long as he was so, I met all his designs and withstood them; yet, to say the least, we should have had to fight with him, and should never, while he remained an enemy in the city, have delivered the republic from such dangers, with such ease, such tranquillity, and such silence.

Although all these things, O Romans, have been so managed by me, that they appear to have been done and provided for by the order and design of the immortal gods; and as we may conjecture this because the direction of such weighty affairs scarcely appears capable of having been carried out by human wisdom; so, too, they have at this time so brought us present aid and assistance, that we could almost behold them without eyes. For to say nothing of those things, namely, the firebrands seen in the west in the night-time, and the heat of the atmosphere—to pass over the falling of thunder-bolts and the earthquakes—to say nothing of all the other portents which have taken place in such numbers during my consulship, that the immortal gods themselves have been seeming to predict what is now taking place; yet, at all events, this which I am about to mention, O Romans, must be neither passed over nor omitted.

For you recollect, I suppose, when Cotta and Torquatus were consuls, that many towers in the Capitol were struck with lightning, when both the images of the immortal gods were moved, and the statues of many ancient men were thrown down, and the brazen tablets on which the laws were written were melted. Even Romulus, who built this city, was struck, which, you recollect, stood in the Capitol, a gilt statue, little and sucking, and clinging to the teats of the wolf. And when at this time the soothsayers were assembled out of all Etruria, they said that slaughter, and conflagration, and the overthrow of the laws, and civil and domestic war, and the fall of the whole city and empire was at hand, unless the immortal gods, being appeased in every possible manner, by their own power turned aside, as I may say, the very fates themselves.

Therefore, according to their answers, games were celebrated for ten days, nor was anything omitted which might tend to the appeasing of the gods. And they enjoined also that we should make a greater statue of Jupiter, and place it in a lofty situation, and (contrary to what had been done before) turn it toward the east. And they said that they hoped that if that statue which you now behold looked upon the rising of the sun, and the forum, and the senate-house, then those designs which were secretly formed against the safety of the city and empire would be brought to light, so as to be able to be thoroughly seen by the Senate and by the Roman people. And the consuls ordered it to be so placed; but so great was the delay in the work, that it was never set up by the former consuls, nor by us before this day.

Here who, O Romans, can there be so obstinate against the truth, so headstrong, so void of sense, as to deny that all these things which we see, and especially this city, is governed by the divine authority and power of the immortal gods? Forsooth, when this answer had been given—that massacre, and conflagration, and ruin was prepared for the republic; and that, too, by profligate citizens, which, from the enormity of the wickedness, appeared incredible to some people, you found that it had not only been planned by wicked citizens, but had even been undertaken and commenced. And is not this fact so present that it appears to have taken place by the express will of the good and mighty Jupiter, that, when this day, early in the morning, both the conspirators and their accusers were being led by my command through the forum to the Temple of Concord, at that very time the statue was being erected? And when it was set up, and turned toward you and toward the Senate, the Senate and you yourselves saw everything which had been planned against the universal safety brought to light and made manifest.

And on this account they deserve even greater hatred and greater punishment, for having attempted to apply their fatal and wicked fire, not only to your houses and homes, but even to the shrines and temples of the gods. And if I were to say that it was I who resisted them, I should take too much to myself, and ought not to be borne. He—he, Jupiter, resisted them. He determined that the Capitol should be safe, he saved

these temples, he saved this city, he saved all of you. It is under the guidance of the immortal gods, O Romans, that I have cherished the intention and desires which I have, and have arrived at such undeniable proofs. Surely, that tampering with the Allobroges would never have taken place, so important a matter would never have been so madly intrusted, by Lentulus and the rest of our internal enemies, to strangers and foreigners, such letters would never have been written, unless all prudence had been taken by the immortal gods from such terrible audacity. What shall I say? That Gauls, men from a state scarcely at peace with us, the only nation existing which seems both to be able to make war on the Roman people, and not to be unwilling to do so—that they should disregard the hope of empire and of the greatest success voluntarily offered to them by patricians, and should prefer your safety to their own power—do you not think that that was caused by divine interposition? especially when they could have destroyed us, not by fighting, but by keeping silence.

Wherefore, O citizens, since a supplication has been decreed at all the altars, celebrate those days with your wives and children; for many just and deserved honors have been often paid to the immortal gods, but juster ones never. For you have been snatched from a most cruel and miserable destruction, and you have been snatched from it without slaughter, without bloodshed, without an army, without a battle. You have conquered in the garb of peace, with me in the garb of peace for your only general and commander.

Remember, O citizens, all civil dissensions, and not only those which you have heard of, but those also which you yourselves remember and have seen. Lucius Sylla crushed Publius Sulpicius;[3] he drove from the city Caius Marius, the guardian of this city; and of many other brave men some he drove from the city, and some he murdered. Cnæus Octavius the consul drove his colleague by force of arms out of the city; all this place was crowded with heaps of carcasses and flowed with the

[3] Sulpicius procured a law to be passed for taking the command against Mithridates from Sylla and giving it to Marius; Sylla came to Rome with his army and slew Sulpicius, when Marius fled to Africa. Sylla made Octavius and Cinna consuls, who quarrelled after he was gone, and Cinna went over to the party of Marius, who returned to Rome. Lepidus and Catulus were consuls the year after the death of Sylla, and they quarrelled because Lepidus wished to rescind all the acts of Sylla. Lepidus was defeated, fled to Sardinia, and died there.

blood of citizens; afterward Cinna and Marius got the upper hand; and then most illustrious men were put to death, and the lights of the state were extinguished. Afterward Sylla avenged the cruelty of this victory; it is needless to say with what a diminution of the citizens, and with what disasters to the republic. Marcus Lepidus disagreed with that most eminent and brave man Quintus Catulus. His death did not cause as much grief to the republic as that of the others.

And these dissensions, O Romans, were such as concerned not the destruction of the republic, but only a change in the constitution. They did not wish that there should be no republic, but that they themselves should be the chief men in that which existed; nor did they desire that the city should be burned, but that they themselves should flourish in it. And yet all those dissensions, none of which aimed at the destruction of the republic, were such that they were to be terminated not by a reconciliation and concord, but only by internecine war among the citizens. But in this war alone, the greatest and most cruel in the memory of man—a war such as even the countries of the barbarians have never waged with their own tribes—a war in which this law was laid down by Lentulus, and Catiline, and Cassius, and Cethegus, that everyone, who could live in safety as long as the city remained in safety, should be considered as an enemy—in this war I have so managed matters, O Romans, that you should all be preserved in safety; and though your enemies had thought that only such a number of the citizens would be left as had held out against an interminable massacre, and only so much of the city as the flames could not devour, I have preserved both the city and the citizens unhurt and undiminished.

And for these exploits, important as they are, O Romans, I ask from you no reward of virtue, no badge of honor, no monument of my glory, beyond the everlasting recollection of this day. In your minds I wish all my triumphs, all my decorations of honor, the monuments of my glory, the badges of my renown, to be stored and laid up. Nothing voiceless can delight me, nothing silent—nothing, in short, such as even those who are less worthy can obtain. In your memory, O Romans, my name shall be cherished, in your discourses it shall grow, in the monuments of your letters it shall grow old and strengthen;

and I feel assured that the same day which I hope will be for everlasting, will be remembered forever, so as to tend both to the safety of the city and the recollection of my consulship; and that it will be remembered that there existed in this city at the same time two citizens, one of whom limited the boundaries of your empire only by the regions of heaven, not by those of the earth, while the other preserved the abode and home of that same empire.

But since the fortune and condition of those exploits which I have performed is not the same with that of those men who have directed foreign wars—because I must live among those whom I have defeated and subdued, they have left their enemies either slain or crushed—it is your business, O Romans, to take care, if their good deeds are a benefit to others, that mine shall never be an injury to me. For that the wicked and profligate designs of audacious men shall not be able to injure you, I have taken care; it is your business to take care that they do not injure me. Although, O Romans, no injury can be done to me by them—for there is a great protection in the affection of all good men, which is procured for me forever; there is great dignity in the republic, which will always silently defend me; there is great power in conscience, and those who neglect it when they desire to attack me will destroy themselves.

There is moreover that disposition in me, O Romans, that I not only will yield to the audacity of no one, but that I always voluntarily attack the worthless. And if all the violence of domestic enemies being warded off from you turns itself upon me alone, you will have to take care, O Romans, in what condition you wish those men to be for the future, who for your safety have exposed themselves to unpopularity and to all sorts of dangers. As for me, myself, what is there which now can be gained by me for the enjoyment of life, especially when neither in credit among you, nor in the glory of virtue, do I see any higher point to which I can be desirous to climb?

That indeed I will take care of, O Romans, as a private man to uphold and embellish the exploits which I have performed in my consulship; so that, if there has been any unpopularity incurred in preserving the republic, it may injure those who envy me, and may tend to my glory. Lastly, I will so behave myself in the republic as always to remember what I have done,

and to take care that they shall appear to have been done through virtue, and not by chance. Do you, O Romans, since it is now night, worship that Jupiter, the guardian of this city and of yourselves, and depart to your homes; and defend those homes, though the danger is now removed, with guard and watch as you did last night. That you shall not have to do so long, and that you shall enjoy perpetual tranquillity, shall, O Romans, be my care.

FOURTH ORATION AGAINST CATILINE

THE ARGUMENT

The night after the events mentioned in the argument to the preceding oration, Cicero's wife Terentia, with the vestal virgins, was performing at home the mystic rites of the Bona Dea, while Cicero was deliberating with his friends on the best mode of punishing the conspirators. Terentia interrupted their deliberations by coming in to inform them of a prodigy which had just happened; that after the sacrifice in which she had been engaged was over, the fire revived spontaneously; on which the vestal virgins had sent her to him, to inform him of it, and to bid him pursue what he was then thinking of and intending for the good of his country, since the goddess had given this sign that she was watching over his safety and glory.

The next day the Senate ordered public rewards to the ambassadors and to Vulturcius; and showed signs of intending to proceed with extreme rigor against the conspirators; when, on a sudden, rumors arose of plots having been formed by the slaves of Lentulus and Cethegus for their masters' rescue; which obliged Cicero to double all the guards, and determined him to prevent any repetition of such attempts by bringing before the Senate without delay the question of the punishment of the prisoners. On which account he summoned the Senate to meet the next morning.

There were many difficulties in the matter. Capital punishments were unusual and very unpopular at Rome. And there was an old law of Porcius Lecca, a tribune of the people, which granted to all criminals who were capitally condemned an appeal to the people; and also a law had been passed, since his time, by Caius Gracchus, to prohibit the taking away the life of any citizen without a formal hearing before the people. And these considerations had so much weight with some of the senators, that they absented themselves from the Senate during this debate, in order to have no share in sentencing prisoners of such high rank to death. The debate was opened by Silanus, the consul-elect, who declared his opinion, that those in custody, and those also who should be taken subsequently, should all be put to death. Everyone who followed him agreed with him, till Julius Cæsar, the prætor-elect (who has been often suspected of having been, at least to some extent, privy to the conspiracy), rose, and in an elaborate speech proposed that they should not be put to death, but that their estates should be confiscated, and they themselves kept in perpetual confinement. Cato opposed him with great earnestness. But some of Cicero's friends appeared inclined to Cæsar's motion, thinking it a safer measure for

Cicero himself; but when Cicero perceived this, he rose himself, and discussed the opinions both of Silanus and Cæsar in the following speech, which decided the Senate to vote for their condemnation. And as soon as the vote had passed, Cicero went immediately from the senate-house, took Lentulus from the custody of his kinsman Lentulus Spinther, and delivered him to the executioner. The other conspirators, Cethegus, Statilius, Gabinius, etc., were in like manner conducted to execution by the prætors; and Cicero was conducted home to his house in triumph by the whole body of the Senate and by the knights, the whole multitude following him, and saluting him as their deliverer.

FOURTH ORATION AGAINST CATILINE

I SEE, O conscript fathers, that the looks and eyes of you all are turned toward me; I see that you are anxious not only for your own danger and that of the republic, but even, if that be removed, for mine. Your good-will is delightful to one amid evils and pleasing amid grief; but I entreat you, in the name of the immortal gods, lay it aside now, and, forgetting my safety, think of yourselves and of your children. If, indeed, this condition of the consulship has been allotted to me, that I should bear all bitterness, all pains and tortures, I will bear them not only bravely, but even cheerfully, provided that by my toils dignity and safety are procured for you and for the Roman people.

I am that consul, O conscript fathers, to whom neither the forum in which all justice is contained, nor the Campus Martius,[1] consecrated to the consular assemblies, nor the senate-house, the chief assistance of all nations, nor my own home, the common refuge of all men, nor my bed devoted to rest, in short, not even this seat of honor, this curule chair, has ever been free from the danger of death, or from plots and treachery. I have been silent about many things, I have borne much, I have conceded much, I have remedied many things with some pain to myself, amid the alarm of you all. Now if the immortal gods have determined that there shall be this end to my consulship, that I should snatch you, O conscript fathers, and the Roman people from miserable slaughter, your wives and children and the vestal virgins from most bitter distress, the temples and shrines of the gods, and this most lovely country of all of us, from impious flames, all Italy from war and devastation;

[1] The Campus Martius was consecrated or restored to Mars after the expulsion of the Tarquins; the comitia centuriata at which all magistrates were created were held there.

then, whatever fortune is laid up for me by myself, it shall be borne. If, indeed, Publius Lentulus, being led on by soothsayers, believed that his name was connected by destiny with the destruction of the republic, why should not I rejoice that my consulship has taken place almost by the express appointment of fate for the preservation of the republic?

Wherefore, O conscript fathers, consult the welfare of yourselves, provide for that of the republic; preserve yourselves, your wives, your children, and your fortunes; defend the name and safety of the Roman people; cease to spare me, and to think of me. For, in the first place, I ought to hope that all the gods who preside over this city will show me gratitude in proportion as I deserve it; and in the second place, if anything does happen to me, I shall fall with a contented and prepared mind; and, indeed, death cannot be disgraceful to a brave man, nor premature to one of consular rank, nor miserable to a wise man. Not that I am a man of so iron a disposition as not to be moved by the grief of a most dear and affectionate brother now present, and by the tears of all these men by whom you now see me surrounded. Nor does my fainting wife, my daughter prostrate with fear, and my little son whom the republic seems to me to embrace as a sort of hostage for my consulship, the son-in-law who, awaiting the end of that day, is now standing in my sight, fail often to recall my mind to my home. I am moved by all these circumstances, but in such a direction as to wish that they all may be safe together with you, even if some violence overwhelms me, rather than that both they and we should perish together with the republic.

Wherefore, O conscript fathers, attend to the safety of the republic; look around upon all the storms which are impending, unless you guard against them. It is not Tiberius Gracchus, who wished to be made a second time a tribune of the people; it is not Caius Gracchus, who endeavored to excite the partisans of the agrarian law; it is not Lucius Saturninus, who slew Memmius, who is now in some danger, who is now brought before the tribunal of your severity. They are now in your hands who withstood all Rome, with the object of bringing conflagration on the whole city, massacre on all of you, and of receiving Catiline; their letters are in your possession, their seals, their handwriting, and the confession of each individual

of them; the Allobroges are tampered with, the slaves are excited, Catiline is sent for; the design is actually begun to be put in execution, that all should be put to death, so that no one should be left even to mourn the name of the republic, and to lament over the downfall of so mighty a dominion.

All these things the witnesses have informed you of, the prisoners have confessed, you by many judgments have already decided; first, because you have thanked me in unprecedented language, and have passed a vote that the conspiracy of abandoned men has been laid open by my virtue and diligence; secondly, because you have compelled Publius Lentulus to abdicate the prætorship; again, because you have voted that he and the others about whom you have decided should be given into custody; and, above all, because you have decreed a supplication in my name, an honor which has never been paid to anyone before acting in a civil capacity; last of all, because yesterday you gave most ample rewards to the ambassadors of the Allobroges and to Titus Vulturcius; all which acts are such that they, who have been given into custody by name, without any doubt seem already condemned by you.

But I have determined to refer the business to you as a fresh matter, O conscript fathers, both as to the fact, what you think of it, and as to the punishment, what you vote. I will state what it behooves the consul to state. I have seen for a long time great madness existing in the republic, and new designs being formed, and evil passions being stirred up, but I never thought that so great, so destructive a conspiracy as this was being meditated by citizens. Now to whatever point your minds and opinions incline, you must decide before night. You see how great a crime has been made known to you; if you think that but few are implicated in it you are greatly mistaken; this evil has spread wider than you think; it has spread not only throughout Italy, but it has even crossed the Alps, and creeping stealthily on, it has already occupied many of the provinces; it can by no means be crushed by tolerating it, and by temporizing with it; however you determine on chastising it, you must act with promptitude.

I see that as yet there are two opinions. One that of Decius Silanus, who thinks that those who have endeavored to destroy all these things should be punished with death; the other, that

of Caius Cæsar, who objects to the punishment of death, but adopts the most extreme severity of all other punishment. Each acts in a manner suitable to his own dignity and to the magnitude of the business with the greatest severity. The one thinks that it is not right that those, who have attempted to deprive all of us and the whole Roman people of life, to destroy the empire, to extinguish the name of the Roman people, should enjoy life and the breath of heaven common to us all, for one moment; and he remembers that this sort of punishment has often been employed against worthless citizens in this republic. The other feels that death was not appointed by the immortal gods for the sake of punishment, but that it is either a necessity of nature, or a rest from toils and miseries; therefore, wise men have never met it unwillingly, brave men have often encountered it even voluntarily. But imprisonment, and that too perpetual was certainly invented for the extraordinary punishment of nefarious wickedness; therefore he proposes that they should be distributed among the municipal towns. This proposition seems to have in it injustice if you command it, difficulty if you request it; however, let it be so decreed if you like.

For I will undertake, and as I hope, I shall find one who will not think it suitable to his dignity to refuse what you decide on for the sake of the universal safety. He imposes besides a severe punishment of the burgesses of the municipal town if any of the prisoners escape; he surrounds them with the most terrible guard, and with everything worthy of the wickedness of abandoned men. And he proposes to establish a decree that no one shall be able to alleviate the punishment of those whom he is condemning by a vote of either the Senate or the people. He takes away even hope, which alone can comfort men in their miseries; besides this, he votes that their goods should be confiscated; he leaves life alone to these infamous men, and if he had taken that away, he would have relieved them by one pang of many tortures of mind and body, and of all the punishment of their crimes. Therefore, that there might be some dread in life to the wicked, men of old have believed that there were some punishments of that sort appointed for the wicked in the shades below; because in truth they perceived that if this were taken away death itself would not be terrible.

Now, O conscript fathers, I see what is my interest; if you

follow the opinion of Caius Cæsar (since he has adopted this path in the republic which is accounted the popular one), perhaps since he is the author and promoter of this opinion, the popular violence will be less to be dreaded by me; if you adopt the other opinion, I know not whether I am not likely to have more trouble; but still let the advantage of the republic outweigh the consideration of my danger. For we have from Caius Cæsar, as his own dignity and as the illustrious character of his ancestors demanded, a vote as a hostage of his lasting good-will to the republic; it has been clearly seen how great is the difference between the lenity of demagogues, and a disposition really attached to the interests of the people. I see that of those men who wish to be considered attached to the people one man is absent, that they may not seem forsooth to give a vote about the lives of Roman citizens. He only three days ago gave Roman citizens into custody, and decreed me a supplication, and voted most magnificent rewards to the witnesses only yesterday. It is not now doubtful to anyone what he, who voted for the imprisonment of the criminals, congratulation to him who had detected them, and rewards to those who had proved the crime, thinks of the whole matter, and of the cause. But Caius Cæsar considers that the Sempronian [2] law was passed about Roman citizens, but that he who is an enemy of the republic can by no means be a citizen; and moreover, that the very proposer of the Sempronian law suffered punishment by the command of the people. He also denies that Lentulus, a briber and a spendthrift, after he has formed such cruel and bitter plans about the destruction of the Roman people, and the ruin of this city, can be called a friend of the people. Therefore this most gentle and merciful man does not hesitate to commit Publius Lentulus to eternal darkness and imprisonment, and establishes a law to all posterity that no one shall be able to boast of alleviating his punishment, or hereafter to appear a friend of the people to the destruction of the Roman people. He adds also the confiscation of their goods, so that want also and beggary may be added to all the torments of mind and body.

[2] The Sempronian law was proposed by Caius Gracchus, B.C. 123, and enacted that the people only should decide respecting the life or civil condition of a citizen. It is alluded to also in the oration Pro Rabir. c. 4, where Cicero says, "Caius Gracchus passed a law that no decision should be come to about the life of a Roman citizen without your command," speaking to the Quirites.

Wherefore, if you decide on this you give me a companion in my address, dear and acceptable to the Roman people; or if you prefer to adopt the opinion of Silanus, you will easily defend me and yourselves from the reproach of cruelty, and I will prevail that it shall be much lighter. Although, O conscript fathers, what cruelty can there be in chastising the enormity of such excessive wickedness? For I decide from my own feeling. For so may I be allowed to enjoy the republic in safety in your company, as I am not moved to be somewhat vehement in this cause by any severity of disposition (for who is more merciful than I am?), but rather by a singular humanity and mercifulness. For I seem to myself to see this city, the light of the world, and the citadel of all nations, falling on a sudden by one conflagration. I see in my mind's eye miserable and unburied heaps of cities in my buried country; the sight of Cethegus and his madness raging amid your slaughter is ever present to my sight. But when I have set before myself Lentulus reigning, as he himself confesses that he had hoped was his destiny, and this Gabinius arrayed in the purple, and Catiline arrived with his army, then I shudder at the lamentation of matrons, and the flight of virgins and of boys, and the insults of the vestal virgins; and because these things appear to me exceedingly miserable and pitiable, therefore I show myself severe and rigorous to those who have wished to bring about this state of things. I ask, forsooth, if any father of a family, supposing his children had been slain by a slave, his wife murdered, his house burned, were not to inflict on his slaves the severest possible punishment, would he appear clement and merciful, or most inhuman and cruel? To me he would seem unnatural and hard-hearted who did not soothe his own pain and anguish by the pain and torture of the criminal. And so we, in the case of these men who desired to murder us, and our wives, and our children—who endeavored to destroy the houses of every individual among us, and also the republic, the home of all—who designed to place the nation of the Allobroges on the relics of this city, and on the ashes of the empire destroyed by fire; if we are very rigorous, we shall be considered merciful; if we choose to be lax, we must endure the character of the greatest cruelty, to the damage of our country and our fellow-citizens.

Unless, indeed, Lucius [3] Cæsar, a thoroughly brave man, and of the best disposition toward the republic, seemed to anyone to be too cruel three days ago, when he said that the husband of his own sister, a most excellent woman (in his presence and in his hearing), ought to be deprived of life—when he said that his grandfather had been put to death by command of the consul, and his youthful son, sent as an ambassador by his father, had been put to death in prison. And what deed had they done like these men? had they formed any plan for destroying the republic? At that time great corruption was rife in the republic, and there was the greatest strike between parties. And, at that time, the grandfather of this Lentulus, a most illustrious man, put on his armor and pursued Gracchus; he even received a severe wound that there might be no diminution of the great dignity of the republic. But this man, his grandson, invited the Gauls to overthrow the foundations of the republic; he stirred up the slaves, he summoned Catiline, he distributed us to Cethegus to be massacred, and the rest of the citizens to Gabinius to be assassinated, the city he allotted to Cassius to burn, and the plundering and devastating of all Italy he assigned to Catiline. You fear, I think, lest in the case of such unheard-of and abominable wickedness you should seem to decide anything with too great severity; when we ought much more to fear lest by being remiss in punishing we should appear cruel to our country, rather than appear by the severity of our irritation too rigorous to its most bitter enemies.

But, O conscript fathers, I cannot conceal what I hear; for sayings are bruited about, which come to my ears, of those men who seem to fear that I may not have force enough to put in execution the things which you determine on this day. Everything is provided for, and prepared, and arranged, O conscript fathers, both by my exceeding care and diligence, and also by the still greater zeal of the Roman people for the retaining of their supreme dominion, and for the preserving of the fortunes of all. All men of all ranks are present, and of all ages; the forum is full, the temples around the forum are full, all the ap-

[3] The brother-in-law of Lucius Cæsar was Marcus Fulvius, whose death, at the command of Opimius the consul, is referred to in the 2d cap. 1st Cat. He sent his son to the consul to treat for his surrender, whom Opimius sent back the first time, and forbade to return to him; when he did return, he put him to death.

proaches to this place and to this temple are full. For this is the only cause that has ever been known since the first foundation of the city, in which all men were of one and the same opinion—except those, who, as they saw they must be ruined, preferred to perish in company with all the world rather than by themselves.

These men I except, and I willingly set them apart from the rest; for I do not think that they should be classed in the number of worthless citizens, but in that of the most bitter enemies. But, as for the rest; O ye immortal gods! in what crowds, with what zeal, with what virtue do they agree in defence of the common dignity and safety. Why should I here speak of the Roman knights? who yield to you the supremacy in rank and wisdom, in order to vie with you in love for the republic—whom this day and this cause now reunite with you in alliance and unanimity with your body, reconciled after a disagreement of many years. And if we can preserve forever in the republic this union now established in my consulship, I pledge myself to you that no civil and domestic calamity can hereafter reach any part of the republic. I see that the tribunes of the treasury —excellent men—have united with similar zeal in defence of the republic, and all the notaries.[4] For as this day had by chance brought them in crowds to the treasury, I see that they were diverted from an anxiety for the money due to them, from an expectation of their capital, to a regard for the common safety. The entire multitude of honest men, even the poorest, is present; for who is there to whom these temples, the sight of the city, the possession of liberty—in short, this light and this soil of his, common to us all, is not both dear and pleasant and delightful?

It is worth while, O conscript fathers, to know the inclinations of the freedmen; who, having by their good fortune obtained the rights of citizens, consider this to be really their country, which some who have been born here, and born in the highest rank, have considered to be not their own country, but a city of enemies. But why should I speak of men of this body whom their private fortunes, whom their common republic,

[4] The notaries at Rome were in the pay of the state; they were chiefly employed in making up the public accounts. In the time of Cicero it seems to have been lawful for anyone to obtain the office of scriba by purchase (see Cic. in Verr. ii. 79), and freedmen and their sons frequently availed themselves of this privilege.

whom, in short, that liberty which is most delightful has called forth to defend the safety of their country? There is no slave who is only in an endurable condition of slavery who does not shudder at the audacity of citizens, who does not desire that these things may stand, who does not contribute all the goodwill that he can, and all that he dares, to the common safety.

Wherefore, if this consideration moves anyone, that it has been heard that some tool of Lentulus is running about the shops—is hoping that the minds of some poor and ignorant men may be corrupted by bribery; that, indeed, has been attempted and begun, but none have been found either so wretched in their fortune or so abandoned in their inclination as not to wish the place of their seat and work and daily gain, their chamber and their bed, and, in short, the tranquil course of their lives, to be still preserved to them. And far the greater part of those who are in the shops—ay, indeed (for that is the more correct way of speaking), the whole of this class is of all the most attached to tranquillity; their whole stock, forsooth, their whole employment and livelihood, exists by the peaceful intercourse of the citizens, and is wholly supported by peace. And if their gains are diminished whenever their shops are shut, what will they be when they are burned? And, as this is the case, O conscript fathers, the protection of the Roman people is not wanting to you; do you take care that you do not seem to be wanting to the Roman people.

You have a consul preserved out of many dangers and plots, and from death itself, not for his own life, but for your safety. All ranks agree for the preservation of the republic with heart and will, with zeal, with virtue, with their voice. Your common country, besieged by the hands and weapons of an impious conspiracy, stretches forth her hands to you as a suppliant; to you she recommends herself, to you she recommends the lives of all the citizens, and the citadel, and the Capitol, and the altars of the household gods, and the eternal unextinguishable fire of Vesta, and all the temples of all the gods, and the altars and the walls and the houses of the city. Moreover, your own lives, those of your wives and children, the fortunes of all men, your homes, your hearths, are this day interested in your decision.

You have a leader mindful of you, forgetful of himself—an opportunity which is not always given to men; you have all

ranks, all individuals, the whole Roman people (a thing which in civil transactions we see this day for the first time), full of one and the same feeling. Think with what great labor this our dominion was founded, by what virtue this our liberty was established, by what kind favor of the gods our fortunes were aggrandized and ennobled, and how nearly one night destroyed them all. That this may never hereafter be able not only to be done, but not even to be thought of, you must this day take care. And I have spoken thus, not in order to stir you up who almost outrun me myself, but that my voice, which ought to be the chief voice in the republic, may appear to have fulfilled the duty which belongs to me as consul.

Now, before I return to the decision, I will say a few words concerning myself. As numerous as is the band of conspirators—and you see that it is very great—so numerous a multitude of enemies do I see that I have brought upon myself. But I consider them base and powerless and despicable and abject. But if at any time that band shall be excited by the wickedness and madness of anyone, and shall show itself more powerful than your dignity and that of the republic, yet, O conscript fathers, I shall never repent of my actions and of my advice. Death, indeed, which they perhaps threaten me with, is prepared for all men; such glory during life as you have honored me with by your decrees no one has ever attained to. For you have passed votes of congratulation to others for having governed the republic successfully, but to me alone for having saved it.

Let Scipio be thought illustrious, he by whose wisdom and valor Hannibal was compelled to return into Africa, and to depart from Italy. Let the second Africanus be extolled with conspicuous praise, who destroyed two cities most hostile to this empire, Carthage and Numantia. Let Lucius Paullus be thought a great man, he whose triumphal car was graced by Perses, previously a most powerful and noble monarch. Let Marius be held in eternal honor, who twice delivered Italy from siege, and from the fear of slavery. Let Pompey be preferred to them all—Pompey, whose exploits and whose virtues are bounded by the same districts and limits as the course of the sun. There will be, forsooth, among the praises of these men, some room for my glory, unless haply it be a greater deed to

open to us provinces whither we may fly, than to take care that those who are at a distance may, when conquerors, have a home to return to.

Although in one point the circumstances of foreign triumph are better than those of domestic victory; because foreign enemies, either if they be crushed, become one's servants, or if they be received into the state, think themselves bound to us by obligation; but those of the number of citizens who become depraved by madness and once begin to be enemies to their country—those men, when you have defeated their attempts to injure the republic, you can neither restrain by force nor conciliate by kindness. So that I see that an eternal war with all wicked citizens has been undertaken by me; which, however, I am confident can easily be driven back from me and mine by your aid, and by that of all good men, and by the memory of such great dangers, which will remain, not only among this people which has been saved, but in the discourse and minds of all nations forever. Nor, in truth, can any power be found which will be able to undermine and destroy your union with the Roman knights, and such unanimity as exists among all good men.

As, then, this is the case, O conscript fathers, instead of my military command — instead of the army — instead of the province [5] which I have neglected, and the other badges of honor which have been rejected by me for the sake of protecting the city and your safety—in place of the ties of clientship and hospitality with citizens in the provinces, which, however, by my influence in the city, I study to preserve with as much toil as I labor to acquire them—in place of all these things, and in reward for my singular zeal in your behalf, and for this diligence in saving the republic which you behold, I ask nothing of you but the recollection of this time and of my whole consulship. And as long as that is fixed in your minds, I shall think I am fenced round by the strongest wall. But if the violence of wicked men shall deceive and overpower my expectations, I recommend to you my little son, to

[5] Cicero, in order to tempt Antonius to aid him in counteracting the treasonable designs of Catiline, had given up to him the province of Macedonia, which had fallen to his own lot; and having accepted that of Cisalpine Gaul in exchange for it, he gave that also to Quintus Metellus; being resolved to receive no emolument, directly or indirectly, from his consulship.

whom, in truth, it will be protection enough, not only for his safety, but even for his dignity, if you recollect that he is the son of him who has saved all these things at his own single risk.

Wherefore, O conscript fathers, determine with care, as you have begun, and boldly, concerning your own safety, and that of the Roman people, and concerning your wives and children; concerning your altars and your hearths, your shrines and temples; concerning the houses and homes of the whole city; concerning your dominion, your liberty, and the safety of Italy and the whole republic. For you have a consul who will not hesitate to obey your decrees, and who will be able, as long as he lives, to defend what you decide on, and of his own power to execute it.[6]

[6] This speech was spoken, and the criminals executed, on the fifth of December. But Catiline was not yet entirely overcome. He had with him in Etruria two legions—about twelve thousand men; of which, however, not above one-quarter were regularly armed. For some time by marches and countermarches he eluded Antonius, but when the news reached his army of the fate of the rest of the conspirators, it began to desert him in great numbers. He attempted to escape into Gaul, but found himself intercepted by Metellus, who had been sent thither by Cicero with three legions. Antonius is supposed not to have been disinclined to connive at his escape, if he had not been compelled as it were by his quæstor Sextus and his lieutenant Petreius to force him to a battle, in which, however, Antonius himself, being ill of the gout, did not take the command, which devolved on Petreius, who after a severe action destroyed Catiline and his whole army, of which every man is said to have been slain in the battle.

ORATION IN DEFENCE OF LUCIUS MURENA

THE ARGUMENT

Lucius Murena was one of the consuls elect; the other being Silanus, the brother-in-law of Cato. Cato, however, instigated Sulpicius, one of the most eminent lawyers in Rome, and a defeated competitor for the consulship, to prosecute Murena for bribery, under the new law passed by Cicero (mentioned in the argument to the first oration against Catiline), though he brought no charge against Silanus, who was as guilty as Murena, if there was any guilt at all. Murena had served as lieutenant to Lucullus in the Mithridatic War. Murena was defended by Crassus, Hortensius, and Cicero. We have neither of the speeches of his other advocates; and even the speech of Cicero is not in a perfect state. Murena was unanimously acquitted, partly perhaps from consideration of the argument which Cicero dwelt upon very earnestly, of what great importance it was, at such a perilous time (for this oration was spoken in the interval between the flight of Catiline to the camp of Manlius, and the final detection and condemnation of the conspirators who remained behind), to have a consul of tried bravery and military experience. It is remarkable that Sulpicius, the prosecutor, was a most intimate friend of Cicero, who had exerted all his influence to procure his election in this very contest for the consulship; and so also was Cato; nor did the opposition which Cicero made to them in this case cause any interruption to their intimacy, and we shall find, in the Philippics, Cicero exerting himself to procure public funeral honors for Sulpicius.

ORATION IN DEFENCE OF LUCIUS MURENA

WHAT I entreated of the immortal gods, O judges, according to the manners and institutions of our ancestors, on that day when, after taking the auspices in the comitia centuriata,[1] I declared Lucius Murena to have been elected consul—namely, that that fact might turn out gloriously and happily for me and for my office, and for the Roman nation and people—that same thing do I now pray for from the same immortal gods, that the consulship may be obtained by that same man with safety, and that your inclinations and opinions may agree with the wishes and suffrages of the Roman people, and that that fact may bring to you and to the Roman people peace, tranquillity, ease, and unanimity. And if that solemn prayer of the comitia, consecrated under the auspices of the consul, has as much power and holy influence as the dignity of the republic requires, I pray also that the matter may turn out happily, fortunately, and prosperously to those men to whom the consulship was given when I presided over the election.

And as this is the case, O judges, and as all the powers of the immortal gods is either transferred to, or at all events is shared with you, the same consul recommends him now to your good faith who before recommended him to the immortal gods; so that he being both declared consul and being defended by the voice of the same man, may uphold the kindness of the Roman people to your safety and that of all the citizens. And since in this duty which I have undertaken the zeal of my defence has been found fault with by the accusers, and even the very fact of my having undertaken the cause at all, before I begin to say

[1] The comitia centuriata, or, as they were sometimes called, majora, were the assembly in which the people gave their votes according to the classification instituted by Servius Tullius; they were held in the Campus Martius without the city, and in reference to their military organization they were summoned by the sound of the horn, not by the voice of the lictor. All magistrates were elected in these comitia.

anything of Lucius Murena, I will say a few words on behalf of myself; not because at this time the defence of my duty seems to me more important than that of his safety, but in order that, when what I have done is approved of by you, I may be able with the greater authority to repel the attacks of his enemies upon his honor, his reputation, and all his fortunes.

And first of all I will answer Marcus Cato, a man who directs his life by a certain rule and system, and who most carefully weighs the motives of every duty, about my own duty. Cato says it is not right, that I who have been consul and the very passer [2] of the law of bribery and corruption, and who behaved so rigorously in my own consulship, should take up the cause of Lucius Murena; and his reproach has great weight with me, and makes me desirous to make not only you, O judges, whom I am especially bound to satisfy, but also Cato himself, a most worthy and upright man, approve the reasons of my action. By whom then, O Marcus Cato, is it more just that a consul should be defended than by a consul? Who can there be, who ought there to be, dearer to me in the republic, than he to whom the republic which has been supported by my great labors and dangers is delivered by me alone to be supported for the future? For if, in the demanding back things which may be alienated, he ought to incur the hazard of the trial who has bound himself by a legal obligation, surely still more rightly in the trial of a consul elect, that consul who has declared him consul ought most especially to be the first mover of the kindness of the Roman people, and his defender from danger.

And if, as is accustomed to be done in some states, an advocate was appointed to this cause by the public, that man would above all others be assigned to one invested with honors as his defender, who having himself enjoyed the same honor, brought to his advocacy no less authority than ability. But if those who are being wafted from the main into harbor are wont with the greatest care to inform those who are sailing out of harbor, of the character of storms, and pirates, and of places, because

[2] There had been several previous laws against bribery and corruption. The Lex Acilia, passed B.C. 67, imposed a fine on the offending party, with exclusion from the Senate, and from all public offices. The Lex Tullia, passed in Cicero's consulship, added banishment for ten years; and, among other restrictions, forbade anyone to exhibit gladiators within two years of his being a candidate, unless he was required to do so on a fixed day by a testator's will.

nature prompts us to favor those who are entering on the same dangers which we have passed through, of what disposition ought I to be, who after having been much tossed about am now almost in sight of land, toward him by whom I see the greatest tempests of the republic about to be encountered? Wherefore, if it is the part of a virtuous consul not only to see what is being done, but to foresee what is likely to happen, I will show in another place how much it is for the interest of the common safety that there should be two consuls in the republic on the first of January. And if that be the case, then it is not so much my duty which ought to summon me to defend the fortunes of a man who is my friend, as the republic which ought to invite the consul to the defence of the common safety.

For as to my having passed a law concerning bribery and corruption, certainly I passed it so as not to abrogate that law which I have long since made for myself concerning defending my fellow-citizens from dangers. If, indeed, I confessed that a largess had been distributed, and were to defend it as having been rightly done, I should be acting wrongly, even if another had passed the law; but when I am saying in defence that nothing has been done contrary to law, then what reason is there that my having passed the law should be an obstacle to my undertaking the defence?

He says that it does not belong to the same severity of character, to have banished from the city by words, and almost by express command, Catiline, when planning the destruction of the republic within its very walls, and now to speak on behalf of Lucius Murena. But I have always willingly acted the part of lenity and clemency, which nature itself has taught me; but I have not sought the character of severity and rigor; but I have supported it when imposed upon me by the republic, as the dignity of this empire required at the time of the greatest peril to the citizens. But if then, when the public required vigor and severity, I overcame my nature, and was as severe as I was forced to be, not as I wished to be; now, when all causes invite me to mercy and humanity, with what great zeal ought I to obey my nature and my usual habits? and concerning my duty of defending, and your method of prosecuting, perhaps I shall have again to speak in another part of my speech.

But, O judges, the complaint of Servius Sulpicius, a most

wise and accomplished man, moved me no less than the accusation of Cato; for he said that he was exceedingly and most bitterly vexed that I had forgotten my friendship and intimacy with him, and was defending the cause of Lucius Murena against him. I wish, O judges, to satisfy him, and to make you arbitrators between us. For as it is a sad thing to be accused with truth in a case of friendship, so, even if you be falsely accused, it is not to be neglected. I, O Servius Sulpicius, both allow that according to my intimacy with you I did owe you all my zeal and activity to assist you in your canvass, and I think I displayed it. When you stood for the consulship, nothing on my part was wanting to you which could have been expected either from a friend or from an obliging person, or from a consul. That time has gone by—the case is changed. I think, and am persuaded, that I owed you as much aid as ever you have ventured to require of me against the advancement of Lucius Murena; but no aid at all against his safety. Nor does it follow, because I stood by you when you were a candidate for the consulship, that on that account I ought now to be an assistant to you in the same way, when you are attacking Murena himself. And this is not only not praiseworthy—it is not even allowable, that we may not defend even those who are most entirely strangers to us when our friends accuse them.

But, in truth, there is, O judges, between Murena and myself an ancient and great friendship, which shall not be overwhelmed in a capital trial by Servius Sulpicius, merely because it was overcome by superior considerations when he was contesting an honorable office with that same person. And if this cause had not existed, yet the dignity of the man, and the honorable nature of that office which he has obtained, would have branded me with the deepest reproach of pride and cruelty, if in so great a danger I had repudiated the cause of a man so distinguished by his own virtues and by the honors paid him by the Roman people. For it is not now in my power—it is not possible, for me to shrink from devoting my labor to alleviate the dangers of others. For when such rewards have been given me for this diligence of mine, such as before now have never been given to anyone, to abandon those labors by which I have earned them, as soon as I have received them, would be the act of a crafty and ungrateful man.

If, indeed, I may rest from my labors—if you advise me that I can do so—if no reproach of indolence, none of unworthy arrogance, none of inhumanity is incurred by so doing, in good truth I will willingly rest. But if flying from toil convicts me of laziness—if rejection of suppliants convicts me of arrogance—if neglect of my friends is a proof of worthlessness, then, above all others, this cause is such a one as no industrious, or merciful, or obliging man can abandon. And you may easily form your opinion of this matter, O Servius, from your own pursuits. For if you think it necessary to give answers to even the adversaries of your friends when they consult you about law, and if you think it shameful, when you have been retained as an advocate for him in whose cause you have come forward, to fail; be not so unjust, as, when your springs are open even to your enemies, to think it right that our small streams should be closed even against our friends.

Forsooth, if my intimacy with you had prevented my appearing in this cause, and if the same thing had happened to Quintus Hortensius and Marcus Crassus, most honorable men, and to others also by whom I know that your affection is greatly esteemed, the consul elect would have had no defender in that city in which our ancestors intended that even the lowest of the people should never want an advocate. But I, O judges, should think myself wicked if I had failed my friend—cruel if I had failed one in distress—arrogant if I had failed the consul. So that what ought to be given to friendship shall be abundantly given by me; so that I will deal with you, O Servius, as if my brother, who is the dearest of all men to me, stood in your place. What ought to be given to duty, to good faith, to religion, that I will so regulate as to recollect that I am speaking contrary to the wish of one friend to defend another friend from danger.

I understand, O judges, that this whole accusation is divided into three parts; and that one of them refers to finding fault with Murena's habits of life, another to his contest for the dignity, and a third to charges of bribery and corruption. And of these three divisions, that first, which ought to have been the weightiest of all, was so weak and trifling, that it was rather some general rule of accusing, than any real occasion for finding fault, which prompted them to say anything about the way of life of Lucius Murena. For Asia has been mentioned as a reproach

to him, which was not sought by him for the sake of pleasure and luxury, but was traversed by him in the performance of military labors; but if he while a young man had not served under his father when general, he would have seemed either to have been afraid of the enemy, or of the command of his father, or else to have been repudiated by his father. Shall we say that, when all the sons who wear the prætexta[3] are accustomed to sit on the chariot of those who are celebrating a triumph, this man ought to have shunned adorning the triumph of his father with military gifts, so as almost to share his father's triumph for exploits which they had performed in common?

But this man, O judges, both was in Asia and was a great assistance to that bravest of men, his own father, in his dangers, a comfort to him in his labors, a source of congratulation to him in his victory. And if Asia does carry with it a suspicion of luxury, surely it is a praiseworthy thing, not never to have seen Asia, but to have lived temperately in Asia. So that the name of Asia should not have been objected to Lucius Murena, a country whence renown was derived for his family, lasting recollection for his race, honor and glory for his name, but some crime or disgrace, either incurred in Asia, or brought home from Asia. But to have served campaigns in that war which was not only the greatest but the only war which the Roman people was waging at that time, is a proof of valor; to have served most willingly under his father, who was commander-in-chief, is a proof of piety; that the end of his campaign was the victory and triumph of his father, is a proof of good fortune. There is, therefore, no room in these matters for speaking ill of him, because praise takes up the whole room.

Cato calls Lucius Murena a dancer. If this be imputed to him truly, it is the reproach of a violent accuser; but if falsely, it is the abuse of a scurrilous railer. Wherefore, as you are a person of such influence, you ought not, O Marcus Cato, to pick up abusive expressions out of the streets, or out of some quarrel of buffoons; you ought not rashly to call a consul of the Roman people a dancer; but to consider with what other vices besides that man must be tainted to whom that can with truth be imputed. For no man, one may almost say, ever dances when

[3] The toga prætexta was a robe bordered with purple, worn by the higher magistrates, and by freeborn children till they arrived at the age of manhood.

sober, unless perhaps he be a madman, nor in solitude, nor in a moderate and sober party; dancing is the last companion of prolonged feasting, of luxurious situation, and of many refinements. You charge me with that which must necessarily be the last of all vices, you say nothing of those things without which this vice absolutely cannot exist; no shameless feasting, no improper love, no carousing, no lust, no extravagance is alleged; and when those things which have the name of pleasure, and which are vicious, are not found, do you think that you will find the shadow of luxury in that man in whom you cannot find the luxury itself?

Can nothing, therefore, be said against the life of Lucius Murena? Absolutely nothing, I say, O judges. The consul elect is defended by me on this ground, that no fraud of his, no avarice, no perfidy, no cruelty, no wanton word can be alleged against him in his whole life. It is well. The foundations of the defence are laid; for we are not as yet defending this virtuous and upright man with my own panegyric, which I will employ presently, but almost by the confession of his adversaries.

And now that this is settled, the approach to the contest for this dignity, which was the second part of the accusation, is more easy to me. I see that there is in you, O Servius Sulpicius, the greatest dignity of birth, of integrity, of industry, and of all the other accomplishments which a man ought to rely on when he offers himself as a candidate for the consulship. I know that all those qualities are equal in Lucius Murena, and so equal that he can neither be surpassed in worth by you, nor can himself surpass you in worth. You have spoken slightingly of the family of Lucius Murena, you have extolled your own; but if you dwell on this topic so as to allow no one to be considered as born of a good family, unless he be a patrician, you will compel the common people again to secede to the Aventine Hill.[4] But if there are honorable and considerable families among the plebeians—both the great-grandfather of Lucius Murena, and his grandfather, were prætors; and his father, when he had triumphed most splendidly and honorably for exploits performed in his prætorship, left the steps towards the acquisition of the

[4] This refers to the time of Appius the decemvir, when the soldiers, at the call of Virginius, after the death of Virginia, occupied the Aventine, and were joined by great part of the plebs, demanding the abolition of the decemvirate.

consulship more easy, because that honor which was due to the father was demanded by the son.

But your nobility, O Servius Sulpicius, although it is most eminent, yet it is known rather to men versed in literature and history, but not much so to the people and to the voters. For your father was in the rank of the knights, your grandfather was renowned for no conspicuous action. So that the recollection of your nobility is to be extracted not from the modern conversation of men, but from the antiquity of annals. So that I also am accustomed to class you in our number, because you by your own virtue and industry, though you are the son of a Roman knight, have yet earned the being considered worthy of the very highest advancement. Nor did it ever seem to me that there was less virtue in Quintus Pompeius, a new man and a most brave man, than in that most high-born man, Marcus Æmilius. Indeed, it is a proof of the same spirit and genius, to hand down to his posterity, as Pompeius did, an honorable name, which he had not received from his ancestors; and, as Scaurus did, to renew the recollection of his family which was almost extinct.

Although I now thought, O judges, that it had been brought about by my labors, that a want of nobleness of birth should not be objected to many brave men, who were neglected, though men were praising not only the Curii, the Catos, the Pompeii, those ancient new but most distinguished men, but also, these more modern new men, the Marii, and Didii, and Cœlii. But when I, after so great an interval, had broken down those barriers of nobility, so that entrance to the consulship should hereafter be opened, as it was in the time of our ancestors, not more to high birth than to virtue, I did not think when a consul elect of an ancient and illustrious family was being defended by the son of a Roman knight, himself a consul, that the accusers would say anything about newness of family. In truth, it happened to me myself to stand against two patricians, one a most worthless and audacious man, the other a most modest and virtuous one; yet I surpassed Catiline in worth, Galba in popularity. But if that ought to have been imputed as a crime to a new man, forsooth, I should have wanted neither enemies nor detractors.

Let us, therefore, give up saying anything about birth, the dignity of which is great in both the candidates; let us look at

the other points. He stood for the quæstorship at the same time with me, and I was appointed first. We need not answer every point; for it cannot escape the observation of any one of you, when many men are appointed equal in dignity; but only one can obtain the first place, that the order of the dignity and of the declaration of it are not the same, because the declaration has degrees, but the dignity of all is usually the same. But the quæstorship of each was given them by almost an equal decision of the lots: the one had by the Titian law a quiet and orderly province; you had that one of Ostia, at the name of which, when the quæstors distribute the provinces by lot, a shout is raised—a province not so much pleasant and illustrious as troublesome and vexatious. The name of each was together in the quæstorship. For the drawing of the lots gave you no field on which your virtue could display itself and make itself known.

The remaining space of time is dedicated to the contest. It was employed by each in a very dissimilar fashion. Servius adopted the civil service, full of anxiety and annoyance, of answering, writing, cautioning; he learned the civil law; he worked early and late, he toiled, he was visible to everyone, he endured the folly of crowds, he tolerated their arrogance, he bore all sorts of difficulties, he lived at the will of others, not at his own. It is a great credit, a thing pleasing to men, for one man to labor hard in that science which will profit many.

What has Murena been doing in the mean time? He was lieutenant to Lucius Lucullus, a very brave and wise man, and a consummate general; and in this post he commanded an army, he fought a battle, he engaged the enemy, he routed numerous forces of the enemy, he took several cities, some by storm, some by blockade. He traversed that populous and luxurious Asia you speak of, in such a manner as to leave in it no trace either of his avarice or of his luxury; in a most important war he so behaved himself that he performed many glorious exploits without the commander-in-chief; but the commander-in-chief did nothing without him. And all these things, although I am speaking in the presence of Lucius Lucullus, yet that we may not appear to have a license of invention granted us by him on account of the danger we are in, we are borne witness to in the public despatches; in which Lucius Lucullus gives him such praise as no ambitious nor envious

commander-in-chief could have given another while dividing with him the credit of his exploits.

There is in each of the rivals the greatest honesty, the greatest worth; which I, if Servius will allow me, will place in equal and in the same panegyric. But he will not let me; he discusses the military question; he attacks the whole of his services as lieutenant; he thinks the consulship is an office requiring diligence and all this daily labor. "Have you been," says he, "so many years with the army? you can never have been near the forum. Have you been away so long? and then, when after a long interval you arrive, will you contend in dignity with those who have made their abode in the forum?" First of all, as to that assiduity of ours, O Servius, you know not what disgust, what satiety, it sometimes causes men; it was, indeed, exceedingly advantageous for me myself that my influence was in the sight of all men; but I overcame the weariness of me by my own great labor; and you, perhaps, have done the same thing, but yet a regret at our absence would have been no injury to either of us.

But, to say no more of this, and to return to the contest of studies and pursuits; how can it be doubted that the glory of military exploits contributes more dignity to aid in the acquisition of the consulship, than renown for skill in civil law? Do you wake before the night is over in order to give answers to those who consult you? He has done so in order to arrive betimes with his army at the place to which he is marching. The cock-crow wakens you, but the sound of the trumpet rouses him; you conduct an action; he is marshalling an army: you take care lest your clients should be convicted; he lest his cities or camp be taken. He occupies posts, and exercises skill to repel the troops of the enemy, you to keep out the rain; he is practised in extending the boundaries of the empire, you in governing the present territories; and in short, for I must say what I think, pre-eminence in military skill excels all other virtues.

It is this which has procured its name for the Roman people; it is this which has procured eternal glory for this city; it is this which has compelled the whole world to submit to our dominion; all domestic affairs, all these illustrious pursuits of ours, and our forensic renown, and our industry, are safe under the guardianship and protection of military valor. As soon as the

first suspicion of disturbance is heard of, in a moment our arts have not a word to say for themselves.

And since you seem to me to embrace that knowledge of the law which you have, as if it were a darling daughter, I will not permit you to lie under such a mistake as to think that, whatever it may be, which you have so thoroughly learned, anything very pre-eminent. For your other virtues of continence, of gravity, of justice, of good faith, and all other good qualities, I have always considered you very worthy of the consulship and of all honor; but as for your having learned civil law, I will not say you have wasted your pains, but I will say that there is no way made to lead to the consulship by that profession; for all arts which can concilitate for us the good-will of the Roman people ought to possess both an admirable dignity, and a very delightful utility.

The highest dignity is in those men who excel in military glory. For all things which are in the empire and in the constitution of the state, are supposed to be defended and strengthened by them. There is also the greatest usefulness in them, since it is by their wisdom and their danger that we can enjoy both the republic and also our own private possessions. The power of eloquence also is no doubt valuable and full of dignity, and it has often been of influence in the election of a consul, to be able by wisdom and oratory to sway the minds of the Senate and the people, and those who decide on affairs. A consul is required who may be able sometimes to repress the madness of the tribunes, who may be able to bend the excited populace, who may resist corruption. It is not strange, if, on account of this faculty, even men who were not nobly born have often obtained the consulship; especially when this same quality procures a man great gratitude, and the firmest friendship, and the greatest zeal in his behalf; but of all this there is nothing, O Sulpicius, in your profession.

First of all, what dignity can there be in so limited a science? For they are but small matters, conversant chiefly about single letters and punctuation between words. Secondly, if in the time of our ancestors there was any inclination to marvel at that study of yours, now that all your mysteries are revealed, it is wholly despised and disregarded. At one time few men knew whether a thing might be lawfully done or not; for men ordi-

narily had no records; those were possessed of great power who were consulted, so that even days for consultation were begged of them beforehand, as from the Chaldean astrologers. A certain notary was found, by name Cnæus Flavius, who could deceive [5] the most wary, and who set the people records to be learned by heart each day, and who pilfered their own learning from the profoundest lawyers. So they, being angry because they were afraid, lest, when their daily course of action was divulged and understood, people would be able to proceed by law without their assistance, adopted a sort of cipher, in order to make their presence necessary in every cause.

When this might have been well transacted thus—"The Sabine farm is mine." "No; it is mine;" then a trial; they would not have it so. "The farm," says he, "which is in the territory which is called Sabine:" verbose enough—well, what next? "That farm, I say, is mine according to the rights of Roman citizens." What then? "and therefore I summon you according to law, seizing you by the hand."

The man of whom the field was demanded did not know how to answer one who was so talkatively litigious. The same lawyer goes across, like a Latin flute-player—says he, "In the place from whence you summoned me having seized me by the hand, from thence I recall you there." In the mean time, as to the prætor, lest he should think himself a fine fellow and a fortunate one, and himself say something of his own accord, a form of words is composed for him also, absurd in other points, and especially in this: "Each of them being alive and being present, I say that that is the way." "Enter on the way." That wise man was at hand who was to show them the way. "Return on your path." They returned with the same guide. These things, I may well suppose, appeared ridiculous to full-grown men; that men when they have stood rightly and in their proper place should be ordered to depart, in order that they might immediately return again to the place they had left. Everything was tainted with the same childish folly. "When I behold you in the power of the law." And this: "But do you say this who claim the right?" And while all this was made a mystery of, they who had the key to the mystery were neces-

[5] The Latin strictly is, "pierce the eyes of ravens." It was a proverbial expression.

sarily sought after by men; but as soon as these things were revealed, and were bandied about and sifted in men's hands, they were found to be thoroughly destitute of wisdom, but very full of fraud and folly.

For though many things have been excellently settled by the laws, yet most of them have been depraved and corrupted by the genius of the lawyers. Our ancestors determined that all women, on account of the inferiority of their understanding, should be under the protection of trustees. These men have found out classes of trustees, whose power is subordinate to that of the women. The one party did not wish the domestic sacrifices to be abolished in families; by the ingenuity of the others old men were found to marry by the form called coemptio,[6] for the sake of getting rid of these sacred ceremonies. Lastly, in every part of the civil law they neglected equity itself, but adhered to the letter of the law; as for instance, because in somebody's books they found the name of Caia, they thought that all the women who had married by coemptio were called Caias. And that often appears marvellous to me, that so many men of such ability should now for so many years have been unable to decide whether the proper expressions to use be the day after to-morrow or the third day, a judge or an arbiter, a cause or a proceeding.

Therefore, as I said before, the dignity of a consul has never been consistent with that science; being one consisting wholly of fictitious and imaginary formulas. And its right to public gratitude was even much smaller. For that which is open to everyone, and which is equally accessible to me and to my adversary, cannot be considered as entitled to any gratitude. And therefore you have now not only lost the hope of conferring a favor, but even the compliment that used to be paid to you by men asking your permission to consult you. No one can be considered wise on account of his proficiency in that knowledge which is neither of any use at all out of Rome, nor at Rome either during the vacations. Nor has anyone any right to be considered skilful in law, because there cannot be any difference between men in a branch of knowledge with which they

[6] Coemptio was "a ceremony of marriage consisting in a mock sale, whereby the bride and bridegroom sold themselves to each other." Riddle in voce. "Coemptio was effected by mancipatio, and consequently the wife was in mancipio."—Smith, Dictionary of Antiquities, p. 603, sec. v., v. Marriage (Roman).

are all acquainted. And a matter is not thought the more difficult for being contained in a very small number of very intelligible documents. Therefore, if you excite my anger, though I am excessively busy, in three days I will profess myself a lawyer. In truth, all that need be said about the written law is contained in written books; nor is there anything written with such precise accuracy, that I cannot add to the formula, "which is the matter at present in dispute." If you answer what you ought, you will seem to have made the same answer as Servius; if you make any other reply, you will seem to be acquainted with and to know how to handle disputed points.

Wherefore, not only is the military glory which you slight to be preferred to your formulas and legal pleas; but even the habit of speaking is far superior, as regards the attainment of honors, to the profession to the practice of which you devote yourself. And therefore many men appear to me to have preferred this at first; but afterward, being unable to attain eminence in this profession, they have descended to the other. Just as men say, when talking of Greek practitioners, that those men are flute-players who cannot become harp-players, so we see some men, who have not been able to make orators, turn to the study of the law. There is great labor in the practice of oratory. It is an important business, one of great dignity, and of most exceeding influence. In truth, from you lawyers men seek some degree of advantage; but from those who are orators they seek actual safety. In the next place, your replies and your decisions are constantly overturned by eloquence, and cannot be made firm except by the advocacy of the orator; in which if I had made any great proficiency myself, I should be more sparing while speaking in its praise; but at present I am saying nothing about myself, but only about those men who either are or have been great in oratory.

There are two occupations which can place men in the highest rank of dignity; one, that of a general, the other, that of an accomplished orator. For by the latter the ornaments of peace are preserved, by the former the dangers of war are repelled. But the other virtues are of great importance from their own intrinsic excellence, such as justice, good faith, modesty, temperance; and in these, O Servius, all men know that you are very eminent. But at present I am speaking of those pursuits calcu-

lated to aid men in the attainment of honors, and not about the intrinsic excellency of each pursuit. For all those occupations are dashed out of our hands at once, the moment the slightest new commotion begins to have a warlike sound. In truth, as an ingenious poet and a very admirable author says, the moment there is a mention of battle, "away is driven" not only your grandiloquent pretences to prudence, but even that mistress of all things, "wisdom. Everything is done by violence. The orator," not only he who is troublesome in speaking, and garrulous, but even "the good orator is despised; the horrid soldier is loved." But as for your profession, that is trampled under foot; "men seek their rights not by law, but hand to hand by the sword," says he.

And if that be the case, then I think, O Sulpicius, the forum must yield to the camp; peace must yield to war, the pen to the sword, and the shade to the sun. That, in fact, must be the first thing in the city, by means of which the city itself is the first of all cities. But Cato is busy proving that we are making too much of all these things in our speech; and that we have forgotten that that Mithridatic War was carried on against nothing better than women. However, my opinion is very different, O judges; and I will say a little on that subject; for my cause does not depend on that.

For if all the wars which we have carried on against the Greeks are to be despised, then let the triumph of Marcus Curius over King Pyrrhus be derided; and that of Titus Flamininus over Philip; and that of Marcus Fulvius over the Ætolians; and that of Lucius Paullus over King Perses; and that of Quintus Metellus over the false Philip; and that of Lucius Mummius over the Corinthians. But, if all these wars were of the greatest importance, and if our victories in them were most acceptable, then why are the Asiatic nations and that Asiatic enemy despised by you? But, from our records of ancient deeds, I see that the Roman people carried on a most important war with Antiochus; the conqueror in which war, Lucius Scipio, who had already gained great glory when acting in conjunction with his brother Publius, assumed the same honor himself by taking a surname from Asia, as his brother did, who, having subdued Africa, paraded his conquest by the assumption of the name of Africanus. And in that war the renown of your ancestor Mar-

cus Cato was very conspicuous; but he, if he was, as I make no doubt that he was, a man of the same character as I see that you are, would never have gone to that war, if he had thought that it was only going to be a war against women. Nor would the Senate have prevailed on Publius Africanus to go as lieutenant to his brother, when he himself, a little while before, having forced Hannibal out of Italy, having driven him out of Africa, and having crushed the power of Carthage, had delivered the republic from the greatest dangers, if that war had not been considered an important and formidable war.

But if you diligently consider what the power of Mithridates was, and what his exploits were, and what sort of a man he was himself, you will in truth prefer this king to all the kings with whom the Roman people has ever waged war; a man whom Lucius Sylla—not a very inexperienced general, to say the least of it—at the head of a numerous and powerful army, after a severe battle, allowed to depart, having made peace with him, though he had overrun all Asia with war; whom Lucius Murena, my client's father, after having warred against him with the greatest vigor and vigilance, left greatly checked indeed, but not overwhelmed: a king, who having taken several years to perfect his system and to strengthen his warlike resources, became so powerful and enterprising that he thought himself able to unite the Atlantic to the Black Sea, and to combine the forces of Sertorius with his own. And when two consuls had been sent to that war, with the view of one pursuing Mithridates, and the other protecting Bithynia, the disasters which befell one of them by land and sea greatly increased the power and reputation of the king. But the exploits of Lucius Lucullus were such that it is impossible to mention any war which was more important, or in which greater abilities and valor were displayed. For when the violence of the entire war had broken against the walls of Cyzicus, and as Mithridates thought that he should find that the city the door of Asia, and that, if that were once broken down and forced, the whole province would be open to him, everything was so managed by Lucullus that the city of our most faithful allies was defended, and all the forces of the king were wasted away by the length of the siege. What more need I say? Do you think that that naval battle at Tenedos, when the enemy's fleet were hastening on with

rapid course and under most eager admirals toward Italy, full of hope and courage, was a trifling engagement—an insignificant contest? I will say nothing of battles; I pass over the sieges of towns. Being at length expelled from his kingdom, still his wisdom and his influence were so great, that, combining his forces with those of the king of Armenia, he reappeared with new armies and new resources of every kind.

And if it were my business now to speak of the achievements of our army and of our general, I might mention many most important battles. But that is not the present question. This I do say: If this war, and this enemy—if that king was a proper object for contempt, the Senate and Roman people would not have thought it one to be undertaken with such care, nor would they have carried it on for so many years, nor would the glory of Lucullus be as great as it is. Nor would the Roman people have intrusted the care of putting a finishing stroke to it to Cnæus Pompeius; though of all his battles, numberless as they are, that appears to me to have been the most desperate and to have been maintained on both sides with the greatest vigor, which he fought against the king. And when Mithridates had escaped from that battle, and had fled to the Bosporus, a place which no army could approach, still, even in the extremity of his fortunes, and as a fugitive, he retained the name of a king. Therefore, Pompeius himself, having taken possession of his kingdom, having driven the enemy away from all his coasts, and from all his usual places of resort, still thought that so much depended on his single life, that though, by his victory, he had got possession of everything which he had possessed, or had approached, or even had hoped for, still he did not think the war entirely over till he drove him from life also. And do you, O Cato, think lightly of this man as an enemy, when so many generals warred against him for so many years, with so long a series of battles? when, though driven out and expelled from his kingdom, his life was still thought of such importance, that it was not till the news arrived of his death, that we thought the war over? We then say in defence of Lucius Murena, that as a lieutenant in this war he approved himself a man of the greatest courage, of singular military skill, and of the greatest perseverance; and that all his conduct at that time gave him no less a title to obtain the consulship than this forensic industry of ours gave us.

"But in the standing for the prætorship, Servius was elected first." Are you going (as if you were arguing on some written bond) to contend with the people that, whatever place of honor they have once given anyone, that same rank they are bound to give him in all other honors? For what sea, what Euripus do you think exists, which is liable to such commotions—to such great and various agitations of waves, as the storms and tides by which the comitia are influenced? The interval of one day—the lapse of one night—often throws everything into confusion. The slightest breeze of rumor sometimes changes the entire opinions of people. Often, even, everything is done without any apparent cause, in a manner entirely at variance with the opinions that have been expressed, or that, indeed, are really entertained; so that sometimes the people marvels that that has been done which has been done, as if it were not itself that has done it. Nothing is more uncertain than the common people—nothing more obscure than men's wishes—nothing more treacherous than the whole nature of the comitia. Who expected that Lucius Philippus, a man of the greatest abilities, and industry, and popularity, and nobleness of birth, could be beaten by a Marcus Herennius? Who dreamed of Quintus Catulus, a man eminent for all the politer virtues, for wisdom and for integrity, being beaten by Cnæus Mallius? or Marcus Scaurus, a man of the highest character, an illustrious citizen, a most intrepid senator, by Quintus Maximus? Not only none of all these things were expected to happen, but not even when they had happened could anyone possibly make out why they had happened. For as storms arise, often being heralded by some well-known token in the heavens, but often also quite unexpectedly from no imaginable reason, but from some unintelligible cause; so in the popular tempests of the comitia you may often understand by what signs a storm was first raised, but often, too, the cause is so obscure, that the tempest appears to have been raised by chance.

But yet, if an account of them must be given, two qualities were particularly missed in the prætorship, the existence of which in Murena now was of the greatest use to him in standing for the consulship; one was the expectation of a largess, which had got abroad through some rumor, and owing to the zeal and conversation of some of his competitors; the other, that those

men who had been witnesses of all his liberality and virtue in the province and in the discharge of his office as lieutenant, had not yet left Rome. Fortune reserved each of these advantages for him, to aid him in his application for the consulship. For the army of Lucius Lucullus, which had come hither for his triumph, was also present at the comitia in aid of Lucius Murena, and his prætorship afforded a most splendid proof of his liberality, of which there was no mention when he was standing for the prætorship. Do these things appear to you trifling supports and aids toward obtaining the consulship? Is the goodwill of the soldiery a trifle? who are both intrinsically powerful through their own numbers, and also by their influence among their connections, and who in declaring a consul have great weight among the entire Roman people. Are the votes of the army a trifle? No; for it is generals, and not interpreters of words, who are elected at the consular comitia. Most influential, then, is such a speech as this: "He refreshed me when I was wounded. He gave me a share of the plunder. He was the general when we took that camp—when we fought that battle. He never imposed harder work on the soldier than he underwent himself. He was as fortunate as he is brave." What weight do you not suppose this must have to gaining a reputation and good-will among men? Indeed, if there is a sort of superstition in the comitia, that up to this time the omen to be drawn from the vote of the prerogative [7] tribe has always proved true, what wonder is there that in such a meeting the reputation of good fortune and such discourse as this has had the greatest weight?

But if you think these things trifling, though they are most important; and if you prefer the votes of these quiet citizens to those of the soldiers; at all events, you cannot think lightly of the beauty of the games exhibited by this man, and the magnificence of his theatrical spectacles; and these things were of great use to him in this last contest. For why need I tell you that the people and the great mass of ignorant men are exceedingly taken with games? It is not very strange. And that is a suffi-

[7] In the comitia centuriata the people voted in their centuries; the order in which the centuries voted was decided by lot, and that which gave its vote first was called the centuriata prærogativa. The question of a tribus prærogativa is a more disputed point; but on this see Smith, Dictionary of Antiquities, p. 997, v. Tribus (Roman).

cient reason in this case; for the comitia are the comitia of the people and the multitude. If, then, the magnificence of games is a pleasure to the people, it is no wonder that it was of great service to Lucius Murena with the people. But if we ourselves, who, from our constant business, have but little time for amusement, and who are able to derive many pleasures of another sort from our business itself, are still pleased and interested by exhibitions of games, why should you marvel at the ignorant multitude being so? Lucius Otho,[8] a brave man, and an intimate friend of mine, restored not only its dignity, but also its pleasure to the equestrian order; and, therefore, this law which relates to the games is the most acceptable of all laws, because by it that most honorable order of men is restored not only to its honors, but also to the enjoyment of its amusements. Games, then, believe me, are a great delight to men, even to those who are ashamed to own it, and not to those only who confess it, as I found to be the case in my contest for the consulship; for we also had a theatrical representation as our competitor. But if I, who, as ædile, had exhibited those shows of games, was yet influenced by the games exhibited by Antonius, do you not suppose that that very silver stage exhibited by this man, which you laugh at, was a serious rival to you, who, as it happened, had never given any games at all? But, in truth, let us allow that these advantages are all equal—let exertions displayed in the forum be allowed to be equal to military achievements—let the votes of the quiet citizens be granted to be of equal weight with those of the soldiers—let it be of equal assistance to a man to have exhibited the most magnificent games, and never to have exhibited any at all; what then? Do you think that in the prætorship itself there was no difference between your lot and that of my client Murena?

His department was that which we and all your friends desired for you; that, namely, of deciding the law; a business in which the importance of the business transacted procures great credit for a man, and the administration of justice earns him popularity; for which department a wise prætor, such as Murena was, avoids giving offence by impartiality in his decisions,

[8] This refers to the law of Lucius Roscius Otho (called Roscia Lex by Horace), by which the fourteen rows of seats next to those of the senators were reserved for the knights.

and conciliates good-will by his good temper in hearing the cases brought before him. It is a very creditable employment, and very well adapted to gain a man the consulship, being one in which the praise of justice, integrity, and affability is crowned at the last by the pleasure of the games which he exhibits. What department was it that your lot gave you? A disagreeable and odious one. That of inquiry into peculation, pregnant on the one side with the tears and mourning apparel of the accused, full on the other side of imprisonment and informers. In that department of justice judges are forced to act against their will, are retained by force contrary to their inclination. The clerk is hated, the whole body is unpopular. The gratifications given by Sylla are found fault with. Many brave men —indeed, a considerable portion of the city is offended; damages are assigned with severity. The man who is pleased with the decision soon forgets it; he who loses his cause is sure to remember it. Lastly, you would not go to your province. I cannot find fault with that resolution in you, which, both as prætor and consul, I have adopted in my own case. But still Lucius Murena's conduct in his province procured him the affection of many influential men, and a great accession of reputation. On his road he held a levy of troops in Umbria. The republic enabled him to display his liberality, which he did so effectually as to engage in his interest many tribes which are connected with the municipalities of that district. And in Gaul itself, he contrived by his equity and diligence to enable many of our citizens to recover debts which they had entirely despaired of. In the mean time you were living at Rome, ready to help your friends. I confess that—but still recollect this, that the inclinations of some friends are often cooled toward those men by whom they see that provinces are despised.

And since I have proved, O judges, that in this contest for the consulship Murena had the same claims of worth that Sulpicious had, accompanied with a very different fortune as respects the business of their respective provinces, I will say more plainly in what particular my friend Servius was inferior; and I will say those things while you are now hearing me—now that the time of the elections is over—which I have often said to him by himself before the affair was settled. I often told you, O Servius, that you did not know how to stand for the consul-

ship; and, in respect to those very matters which I saw you conducting and advocating in a brave and magnanimous spirit, I often said to you that you appeared to me to be a brave senator rather than a wise candidate. For, in the first place, the terrors and threats of accusations which you were in the habit of employing every day, are rather the part of a fearless man; but they have an unfavorable effect on the opinion of the people as regards a man's hopes of getting anything from them, and they even disarm the zeal of his friends. Somehow or other, this is always the case; and it has been noticed, not in one or two instances, but in many; so that the moment a candidate is seen to turn his attention to provocations, he is supposed to have given up all hopes of his election.

What, then, am I saying? Do I mean that a man is not to prosecute another for any injury which he may have received? Certainly I mean nothing of the sort. But the times for prosecuting and for standing for the consulship are different. I consider that a candidate for any office, especially for the consulship, ought to come down into the forum and into the Campus Martius with great hopes, with great courage, and with great resources. But I do not like a candidate to be looking about for evidence—conduct what is a sure forerunner of a repulse. I do not like his being anxious to marshal witnesses rather than voters. I do not fancy threats instead of caresses—declamation where there should be salutation; especially as, according to the new fashion now existing, all candidates visit the houses of nearly all the citizens, and from their countenances men form their conjectures as to what spirits and what probabilities of success each candidate has. "Do you see how gloomy that man looks? how dejected? He is out of spirits; he thinks he has no chance; he has laid down his arms." Then a report gets abroad, "Do you know that he is thinking of a prosecution? He is seeking for evidence against his competitors; he is hunting for witnesses. I shall vote for someone else, as he knows that he has no chance." The most intimate friends of such candidates as that are dispirited and disarmed, they abandon all anxiety in the matter—they give up a business which is so manifestly hopeless, or else they reserve all their labor and influence to countenance their friend in the trial and prosecution which he is meditating.

And, besides all this, the candidate himself cannot devote his whole thoughts, and care, and attention, and diligence to his own election; for he has also in his mind the thoughts of his prosecution—a matter of no small importance, but in truth of the very greatest. For it is a very serious business to be preparing measures by which to deprive a man, especially one who is not powerless or without resources, of his rights as a citizen; one who is defended both by himself and by his friend—ay, and perhaps also by strangers. For we all of us naturally hasten to save anyone from danger; and, if we are not notoriously enemies to them, we tender, even to utter strangers, when menaced by danger affecting their station as citizens, the services and zeal which are, strictly speaking, due only to the causes of our friends. On which account I, who know by experience the troubles attending on standing for office, on defending and accusing prisoners, consider that the truth in respect of each business stands thus—that in standing for an office, eagerness is the chief thing; in defending a man, a regard for one's duty is the principal thing shown; in accusing a man, the labor is greatest. And therefore I say decidedly that it is quite impossible for the same man to do justice properly to the part of an accuser and a candidate for the consulship. Few can play either part well; no one can do justice to both. Did you, when you turned aside out of the course prescribed for you as a candidate, and when you had transferred your attention to the task of prosecuting, think that you could fulfil all the requirements of both? You were greatly mistaken if you did; for what day was there after you once entered on that prosecution, that you did not devote the whole of it to that occupation?

You demanded a law about bribery, though there was no deficiency of laws on that matter, for there was the Calpurnian law, framed with the greatest severity. Your inclinations and your wish procured compliance with your demand; but the whole of that law might perhaps have armed your accusation, if you had had a guilty defendant to prosecute; but it has been of great injury to you as a candidate. A more severe punishment for the common people was demanded by your voice. The minds of the lower orders were agitated. The punishment of an exile was demanded in the case of anyone of our order being convicted. The Senate granted it to your request; but

still it was with no good-will that they established a more severe condition for our common fortunes at your instigation. Punishment was imposed on anyone who made the excuse of illness. The inclinations of many men were alienated by this step, as by it they were forced either to labor to the prejudice of their health, or else through the distress of illness they were compelled to abandon the other enjoyments of life. What, then, are we to say of this? Who passed this law? He who, in so doing, acted in obedience to the Senate, and to your wish. He, in short, passed it to whom it was not of the slightest personal advantage. Do you think that those proposals which, with my most willing consent, the senate rejected in a very full house, were but a slight hinderance to you? You demanded the confusion of the votes of all the centuries, the extension of the Manilian law,[9] the equalization of all interest, and dignity, and of all the suffrages. Honorable men, men of influence in their neighborhoods and municipalities, were indignant that such a man should contend for the abolition of all degrees in dignity and popularity. You also wished to have judges selected by the accuser at his pleasure, the effect of which would have been, that the secret dislikes of the citizens, which are at present confined to silent grumblings, would have broken out in attacks on the fortunes of every eminent man.

All these measures were strengthening your hands as a prosecutor, but weakening your chance as a candidate. And by them all a violent blow was struck at your hopes of success, as I warned you; and many very severe things were said about it by that most able and most eloquent man, Hortensius, owing to which my task of speaking now is the more difficult; as, after both he had spoken before me, and also Marcus Crassus, a man of the greatest dignity, and industry, and skill as an orator, I, coming in at the end, was not to plead some part of the cause, but to say with respect to the whole matter whatever I thought advisable. Therefore I am forced to recur to the same ideas, and, to a great extent, O judges, I have to contend with a feeling of satiety on your part.

But still, O Servius, do you not see that you completely lay

[9] This was not the Manilian law, in support of which Cicero spoke, to confer the command in Asia on Pompeius; but a law enacting that the votes should be counted without any regard to the centuries in which they were given; but this law was repealed soon after its enactment.

the axe to the root of your chance as a candidate, when you give the Roman people cause for apprehension that Catiline might be made consul through your neglect, and, I may almost say, abandonment of your canvass, while you were intent on your prosecution? In truth, men saw that you were hunting about for evidence; that you yourself looked gloomy, your friends out of spirits; they noticed your visits, your inquiries after proofs, your privy meetings with your witnesses, your conferences with your junior counsel; all which matters are certainly apt to make the countenance of a candidate look darker. Meantime they saw Catiline cheerful and joyous, accompanied by a band of youths, with a body-guard of informers and assassins, elated by the hopes which he placed in the soldiers, and, as he himself said, by the promises of my colleagues; surrounded, too, with a numerous body of colonists from Arretium and Fæsulæ—a crowd made conspicuous by the presence of men of a very different sort in it, men who had been ruined by the disasters in the time of Sylla. His own countenance was full of fury; his eyes glared with wickedness; his discourse breathed nothing but arrogance. You might have thought that he had assured himself of the consulship, and that he had got it locked up at home. Murena he despised. Sulpicius he considered as his prosecutor, not as a competitor. He threatened him with violence; he threatened the republic.

And I need not remind you with what terror all good men were seized in consequence of these occurrences, and how entirely they would all have despaired of the republic if he had been made consul. All this you yourselves recollect; for you remember, when the expressions of that wicked gladiator got abroad, which he was said to have used at a meeting at his own house, when he said that it was impossible for any faithful defender of the miserable citizens to be found, except a man who was himself miserable; that men in an embarrassed and desperate condition ought not to trust the promises of men of a flourishing and fortunate estate; and therefore that those who were desirous to replace what they had spent, and to recover what they had lost, had better consider what he himself owed, what he possessed, and what he would dare to do; that that man ought to be very fearless and thoroughly overwhelmed by misfortune, who was to be the leader and standard-bearer of unfortunate

men. Then, therefore, when these things had been heard, you recollect that a resolution of the Senate was passed, on my motion, that the comitia should not be held the next day, in order that we might be able to discuss these matters in the Senate. Accordingly, the next day, in a full meeting of the Senate, I addressed Catiline himself, and desired him, if he could, to give some explanation of these reports which had been brought to me. And he—for he was not much addicted to disguising his intentions—did not attempt to clear himself, but openly avowed and adopted the statements. For he said then, that there were two bodies of the republic—the one weak with a weak head, the other powerful without a head—and that, as this last had deserved well of him, it should never want a head as long as he lived. The whole Senate groaned at hearing itself addressed in such language, and passed a resolution not severe enough for such unworthy conduct; for some of them were against too rigorous a resolution, because they had no fear; and some, because they had a great deal. Then he rushed forth from the Senate, triumphing and exulting—a man who never ought to have been allowed to leave it alive, especially as that very same man in the same place had made answer to Cato, that gallant man who was threatening him with a prosecution, a few days before, that if any fire were kindled against his own fortunes, he would put it out, not with water, but by the general ruin.

Being influenced then by these facts, and knowing that men who were already associated in a conspiracy were being brought down by Catiline into the Campus Martius, armed with swords, I myself descended into the campus with a guard of brave men, and with that broad and shining breastplate, not in order to protect me (for I knew that Catiline would aim at my head and neck, not at my chest or body), but in order that all good men might observe it, and, when they saw their consul in fear and in danger, might, as they did, throng together for my assistance and protection. Therefore, as, O Servius, men thought you very remiss in prosecuting the contest, and saw Catiline inflamed with hope and desire, all who wished to repel that pest from the republic immediately joined the party of Murena. And in the consular comitia the sudden inclination of men's feelings is often of great weight, especially as, in this case, it took the direction of a very gallant man, who was assisted by

many other concurrent aids in his application for the office. He was born of a most honorable father and ancestors; he had passed his youth in a most modest manner; he had discharged the office of a lieutenant with great credit; he had been prætor, as such he had been approved as a judge; he had been popular through his liberality; he had been highly honored in his province; he had been very diligent in his canvass, and had carried it on so as neither to give way if anyone threatened him, nor to threaten anyone himself. Can we wonder that the sudden hope which Catiline now entertained of obtaining the consulship was a great assistance to this man?

The third topic which I have got to speak about refers to the charge of bribery; which has been already entirely refuted by those who have spoken before me, but which must still be discussed by me, since such is the will of Murena. And while speaking on this point, I will reply to what Postumius, my own intimate friend, a most accomplished man, has said about the trials of agents, and about sums of money which he asserts have been found; and to what Servius Sulpicius, that able and virtuous young man, has said about the centuries of the knights; and to what Marcus Cato, a man eminent in every kind of virtue, has said about his own accusation, about the resolution of the Senate, and about the republic in general.

But first of all I will say a little, which has just occurred to me, about the hard fortune of Lucius Murena. For I have often before now, O judges, judging both by the miseries of others, and by my own daily cares and labors, considered those men fortunate, who, being at a distance from the pursuits of ambition, have addicted themselves to ease and tranquillity of life; and now especially I am so affected by these serious and unexpected dangers of Lucius Murena, that I am unable adequately to express my pity for the common condition of all of us, or for his particular state and fortune; who while, after an uninterrupted series of honors attained by his family and his ancestors, he was endeavoring to mount one step higher in dignity, has incurred the danger of losing both the honors bequeathed to him by his forefathers, and those too which have been acquired by himself, and now, on account of his pursuit of this new honor, is brought into the danger of losing his ancient fortune also. And as there are weighty considerations,

O judges, so is this the most serious matter of all, that he has men for accusers who, instead of proceeding to accuse him on account of their private enmity against him, have become his personal enemies, being carried away by their zeal for their accusation. For, to say nothing of Servius Sulpicius, who, I am aware, is influenced not by any wrong done by Lucius Murena, but only by the party spirit engendered by the contest for honor, his father's friend, Cnæus Postumius, is his accuser, an old neighbor and intimate friend of his own, as he says himself; who has mentioned many reasons for his intimacy with him, while he has not been able to mention one for any enmity toward him. Servius Sulpicius accuses him, the companion of his son—he, by whose genius all the friends of his father ought to be only the more defended. Marcus Cato accuses him, who, though he has never been in any matter whatever at variance with Murena, yet was born in this city under such circumstances that his power and genius ought to be a protection to many who were even entire strangers to him, and ought to be the ruin of hardly any personal enemy.

In the first instance, then, I will reply to Cnæus Postumius, who, somehow or other, I know not how, while a candidate for the prætorship, appears to me to be a straggler into the course marked out for the candidates for the consulship, as the horse of a vaulter might escape into the course marked out for the chariot races. And if there is no fault whatever to be found with his competitors, then he has made a great concession to their worth in desisting from his canvass. But if any one of them has committed bribery, then he must look for some friend who will be more inclined to prosecute an injury done to another than one done to himself.

I come now to Marcus Cato, who is the mainstay and prop of the whole prosecution; who is, however, so zealous and vehement a prosecutor, that I am much more afraid of the weight of his name, than of his accusation. And with respect to this accuser, O judges, first of all I will entreat you not to let Cato's dignity, nor your expectation of his tribuneship, nor the high reputation and virtue of his whole life, be any injury to Lucius Murena. Let not all the honors of Marcus Cato, which he has acquired in order to be able to assist many men, be an injury to my client alone. Publius Africanus had been twice consul,

and had destroyed those two terrors of this empire, Carthage and Numantia, when he prosecuted Lucius Cotta. He was a man of the most splendid eloquence, of the greatest good faith, of the purest integrity; his authority was as great almost as that of the Roman people itself, in that empire which had been mainly saved by his means. I have often heard old men say that this very extraordinarily high character of the accuser was of the greatest service to Lucius Cotta. Those wise men who then were the judges in that cause, did not like anyone to be defeated in any trial, if he was to appear overwhelmed only by the excessive influence of his adversary. What more shall I say? Did not the Roman people deliver Sergius Galba (the fact is preserved in the recollection of everyone) from your grandfather, that most intrepid and prosperous man, Marcus Cato, who was zealously seeking his ruin? At all times in this city the whole people, and also the judges, wise men, looking far into futurity, have resisted the overweening power of prosecutors. I do not like an accuser bringing his personal power, or any predominant influence, or his own eminent authority, or his own excessive popularity, into a court of justice. Let all these things have weight to insure the safety of the innocent, to aid the weak, to succor the unfortunate. But in a case where the danger and ruin of citizens may ensue, let them be rejected. For if perchance anyone should say that Cato would not have come forward as an accuser if he had not previously made up his mind about the justice of the cause, he will then be laying down a most unjust law, O judges, and establishing a miserable condition for men in their danger, if he thinks that the opinion of an accuser is to have against a defendant the weight of a previous investigation legally conducted.

I, O Cato, do not venture to find fault with your intentions, by reason of my extraordinarily high opinion of your virtue; but in some particulars I may perhaps be able slightly to amend and reform them. "You are not very wrong," said an aged tutor to a very brave man; "but if you are wrong, I can set you right." But I can say with the greatest truth that you never do wrong, and that your conduct is never such in any point as to need correction, but only such as occasionally to require being guided a little. For nature has herself formed you for honesty, and gravity, and moderation, and magnanimity, and

justice; and for all the virtues required to make a great and noble man. To all these qualities are added an education not moderate, nor mild, but, as it seems to me, a little harsh and severe, more so than either truth or nature would permit. And since we are not to address this speech either to an ignorant multitude, or to any assembly of rustics, I will speak a little boldly about the pursuits of educated men, which are both well known and agreeable to you, O judges, and to me. Learn, then, O judges, that all these good qualities, divine and splendid as they are, which we behold in Marcus Cato, are his own peculiar attributes. The qualities which we sometimes wish for in him, are not all those which are implanted in a man by nature, but some of them are such as are derived from education. For there was once a man of the greatest genius, whose name was Zeno, the imitators of whose example are called Stoics. His opinions and precepts are of this sort: that a wise man is never influenced by interest; never pardons any man's fault; that no one is merciful except a fool and a trifler; that it is not the part of a man to be moved or pacified by entreaties; that wise men, let them be ever so deformed, are the only beautiful men; if they be ever such beggars, they are the only rich men; if they be in slavery, they are kings. And as for all of us who are not wise men, they call us runaway slaves, exiles, enemies, lunatics. They say that all offences are equal; that every sin is an unpardonable crime; and that he does not commit a less crime who kills a cock, if there was no need to do so, than the man who strangles his father. They say that a wise man never feels uncertain on any point, never repents of anything, is never deceived in anything, and never alters his opinion.

All these opinions that most acute man, Marcus Cato, having been induced by learned advocates of them, has embraced; and that, not for the sake of arguing about them, as is the case with most men, but of living by them. Do the publicans ask for anything? "Take care that their influence has no weight." Do any suppliants, miserable and unhappy men, come to us? "You will be a wicked and infamous man if you do anything from being influenced by mercy." Does anyone confess that he has done wrong, and beg pardon for his wrongdoing? "To pardon is a crime of the deepest dye." "But it is a trifling offence." "All offences are equal." You say something.

"That is a fixed and unalterable principle." "You are influenced not by the facts, but by your opinion." "A wise man never forms mere opinions." "You have made a mistake in some point." He thinks that you are abusing him. And in accordance with these principles of his are the following assertions: "I said in the Senate, that I would prosecute one of the candidates for the consulship." "You said that when you were angry." "A wise man never is angry." "But you said it for some temporary purpose." "It is the act," says he, "of a worthless man to deceive by a lie; it is a disgraceful act to alter one's opinion; to be moved by entreaties is wickedness; to pity anyone is an enormity." But our philosophers (for I confess, O Cato, that I, too, in my youth, distrusting my own abilities, sought assistance from learning), our philosophers, I say, men of the school of Plato and Aristotle, men of soberness and moderation, say that private interest does sometimes have weight even with a wise man. They say that it does become a virtuous man to feel pity; that there are different gradations of offences, and different degrees of punishment appropriate to each; that a man with every proper regard for firmness may pardon offences; that even the wise man himself has sometimes nothing more than opinion to go upon, without absolute certainty; that he is sometimes angry; that he is sometimes influenced and pacified by entreaty; that he sometimes does change an opinion which he may have expressed, when it is better to do so; that he sometimes abandons his previous opinions altogether; and that all his virtues are tempered by a certain moderation.

If any chance, O Cato, had conducted, endowed with your existing natural disposition, to those tutors, you would not indeed have been a better man than you are, nor a braver one, nor more temperate, nor more just than you are (for that is not possible), but you would have been a little more inclined to lenity; you would not, when you were not induced by any enmity, or provoked by any personal injury, accuse a most virtuous man, a man of the highest rank and the greatest integrity; you would consider that as fortune had intrusted the guardianship of the same year to you [10] and to Murena, that you were connected with him by some certain political union; and the severe things which you have said in the Senate you would

[10] Cato was tribune-elect.

either not have said, or you would have guarded against their being applied to him, or you would have interpreted them in the mildest sense. And even you yourself (at least that is my opinion and expectation), excited as you are at present by the impetuosity of your disposition, and elated as you are both by the vigor of your natural character and by your confidence in your own ability, and inflamed as you are by your recent study of all these precepts, will find practice modify them, and time and increasing years soften and humanize you. In truth, those tutors and teachers of virtue, whom you think so much of, appear to me themselves to have carried their definitions of duties somewhat further than is agreeable to nature; and it would be better if, when we had in theory pushed our principles to extremities, yet in practice we stopped at what was expedient. "Forgive nothing." Say rather, forgive some things, but not everything. "Do nothing for the sake of private influence." Certainly resist private influence when virtue and good faith require you to do so. "Do not be moved by pity." Certainly if it is to extinguish all impartiality; nevertheless, there is some credit due to humanity. "Abide by your own opinion." Very true, unless some other sounder opinion convinces you. That great Scipio was a man of this sort, who had no objection to do the same thing that you do; to keep a most learned man, a man of almost divine wisdom, in his house; by whose conversation and precepts, although they were the very same that you are so fond of, he was nevertheless not made more severe, but (as I have heard said by old men) he was rendered most merciful. And who was more mild in his manners than Caius Lælius? who was more agreeable than he? (devoted to the same studies as you); who was more virtuous or more wise than he? I might say the same of Lucius Philus, and of Caius Gallus; but I will conduct you now into your own house. Do you think that there was any man more courteous, more agreeable; anyone whose conduct was more completely regulated by every principle of virtue and politeness, than Cato, your great-grandfather? And when you were speaking with truth and dignity of his virtue, you said that you had a domestic example to imitate. That indeed is an example set up for your imitation in your own family; and the similarity of nature ought rather to influence you who are descended from him than any one of us; but still

that example is as much an object for my imitation as for yours. But if you were to add his courtesy and affability to your own wisdom and impartiality, I will not say that those qualities which are now most excellent will be made intrinsically better, but they will certainly be more agreeably seasoned.

Wherefore, to return to the subject which I began to speak of, take away the name of Cato out of the cause; remove and leave out of the question all mention of authority, which in courts of justice ought either to have no influence at all, or only influence to contribute to someone's safety; and discuss with me the charges themselves. What do you accuse him of, Cato? What action of his is it that you bring before the court? What is your charge? Do you accuse him of bribery? I do not defend bribery. You blame me because you say I am defending the very conduct which I brought in a law to punish. I punished bribery, not innocence. And any real case of bribery I will join you in prosecuting if you please. You have said that a resolution of the Senate was passed, on my motion, "that if any men who had been bribed had gone to meet the candidates, if any hired men followed them, if places were given men to see the shows of gladiators according to their tribes, and also, if dinners were given to the common people, that appeared to be a violation of the Calpurnian law." Therefore the Senate decides that these things were done in violation of the Calpurnian law if they were done at all; it decides what there is not the least occasion for, out of complaisance for the candidates. For there is a great question whether such things have been done or not. That, if they have been done, they were done in violation of the law, no one can doubt. It is, therefore, ridiculous to leave that uncertain which was doubtful, but to give a positive decision on that point which can be doubtful to no one. And that decree is passed at the request of all the candidates; in order that it might be quite impossible to make out from the resolution of the Senate whose interests were consulted, or against whose interests it was passed. Prove, then, that these actions have been done by Lucius Murena; and then I will grant to you that they have been done in violation of the law.

"Many men went to meet him as he was departing from his province, when he was a candidate for the consulship." That is a very usual thing to do. Who is there whom people do not

go out to meet on his return home? "What a number of people they were." In the first place, if I am not able to give you any exact account of it, what wonder is it if many men did go out to meet such a man on his arrival, being a candidate for the consulship? If they had not done so, it would have appeared much more strange. What then? Suppose I were even to add, what there would be nothing unusual in, that many had been asked to go? Would that be matter of accusation, or at all strange, that, in a city in which we, when we are asked, often come to escort the sons of even the lowest rank, almost before the night is over, from the farthest part of the city, men should not mind going at the third hour into the Campus Martius, especially when they have been invited in the name of such a man as Murena? What then? What if all the societies had come to meet him, of which bodies many are sitting here as judges? What if many men of our own most honorable order had come? What then? What if the whole of that most officious body of candidates, which will not suffer any man to enter the city except in an honorable manner, had come, or even our prosecutor himself—if Postumius had come to meet him with a numerous crowd of his dependents? What is there strange in such a multitude? I say nothing of his clients, his neighbors, his tribesmen, or the whole army of Lucullus, which, just at that time, had come to Rome to his triumph; I say this, that that crowd, paying that gratuitous mark of respect, was never backward in paying respect not only to the merit of anyone, but even to his wishes.

"But a great many people followed him." Prove that it was for hire, and I will admit that that was a crime; but if the fact of hire be absent, what is there that you object to?

"What need is there," says he, "of an escort?" Are you asking me what is the need of that which we have always availed ourselves of? Men of the lower orders have only one opportunity of deserving kindness at the hands of our order, or of requiting services—namely, this one attention of escorting us when we are candidates for offices. For it is neither possible, nor ought we or the Roman knights to require them to escort the candidates to whom they are attached for whole days together; but if our house is frequented by them, if we are sometimes escorted to the forum, if we are honored by their attend-

ance for the distance of one piazza, we then appear to be treated with all due observance and respect; and those are the attentions of our poorer friends who are not hindered by business, of whom numbers are not wont to desert virtuous and beneficent men. Do not, then, O Cato, deprive the lower class of men of this power of showing their dutiful feelings; allow these men, who hope for everything from us, to have something also themselves, which they may be able to give us. If they have nothing beyond their own vote, that is but little; since they have no interest which they can exert in the votes of others. They themselves, as they are accustomed to say, cannot plead for us, cannot go bail for us, cannot invite us to their houses; but they ask all these things of us, and do not think that they can requite the services which they receive from us by anything but by their attentions of this sort. Therefore they resisted the Fabian law, which regulated the number of an escort, and the resolution of the Senate, which was passed in the consulship of Lucius Cæsar. For there is no punishment which can prevent the regard shown by the poorer classes for this description of attention. "But spectacles were exhibited to the people by their tribes, and crowds of the common people were invited to dinner." Although this, O judges, was not done by Murena at all, but done in accordance with all usage and precedent by his friends, still, being reminded of the fact, I recollect how many votes these investigations held in the Senate have lost us, O Servius. For what time was there ever, either within our own recollection or that of our fathers, in which this, whether you call it ambition or liberality, did not exist, to the extent of giving a place in the circus and in the forum to one's friends, and to the men of one's own tribe? The men of the poorer classes first, who had not yet obtained this from those of their own tribe.

It is known that the prefect of the carpenters[11] once gave a place to the men of his own tribe. What will they decide with respect to the eminent men who have erected regular stalls in the circus, for the sake of their own tribesmen? All these charges of escort, of spectacles, of dinners, are brought for-

[11] Besides the classes into which the centuries were divided, and the four supernumerary centuries of ascensi, velati, proletarii, and capite censi, there were three centuries classed according to their occupation. The fabri, or carpenters, who were attached to the centuries of the first class; the cornicines, or horn-blowers, and liticines, or trumpeters, who were reckoned with the fourth class.

ward by the multitude, O Servius, as proofs of your over-scrupulous diligence; but still as to those counts of the indictment, Murena is defended by the authority of the Senate. And why not? Does the Senate think it a crime to go to meet a man? No; but it does, if it be done for a bribe. Prove that it was so. Does the Senate think it a crime for many men to follow him? No; but it does, if they were hired. Prove it. Or to give a man a place to see the spectacles? or to ask a man to dinner? Not by any means; but to give everyone a seat, to ask everyone one meets to dinner. "What is everyone?" Why, the whole body of citizens. If, then, Lucius Natta, a young man of the highest rank, as to whom we see already of what sort of disposition he is, and what sort of man he is likely to turn out, wished to be popular among the centuries of the knights, both because of his natural connection with them, and because of his intentions as to the future, that will not be a crime in, or matter of accusation against his step-father; nor, if a vestal virgin, my client's near relation, gave up her place to see the spectacle in his favor, was that any other than a pious action, nor is he liable to any charge on that ground. All these are the kind offices of intimate friends, the services done to the poorer classes, the regular privileges of candidates.

But I must change my tone; for Cato argues with me on rigid and stoic principles. He says that it is not true that good-will is conciliated by food. He says that men's judgments, in the important business of electing to magistracies, ought not to be corrupted by pleasures. Therefore, if anyone, to promote his canvass, invites another to supper, he must be condemned. "Shall you," says he, "seek to obtain supreme power, supreme authority, and the helm of the republic, by encouraging men's sensual appetites, by soothing their minds, by tendering luxuries to them? Are you asking employment as a pimp from a band of luxurious youths, or the sovereignty of the world from the Roman people?" An extraordinary sort of speech! but our usages, our way of living, our manners, and the constitution itself, rejects it. For the Lacedæmonians, the original authors of that way of living and of that sort of language, men who lie at their daily meals on hard oak benches, and the Cretans, of whom no one ever lies down to eat at all, have neither of them preserved their political constitutions or their power better than

the Romans, who set apart times for pleasure as well as times for labor; for one of those nations was destroyed by a single invasion of our army, the other only preserves its discipline and its laws by means of the protection afforded to it by our supremacy.

Do not, then, O Cato, blame with too great severity of language the principles of our ancestors, which facts, and the length of time that our power has flourished under them, justify. There was, in the time of our ancestors, a learned man of the same sect, an honorable citizen, and one of high rank, Quintus Tubero. He, when Quintus Maximus was giving a feast to the Roman people, in the name of his uncle Africanus, was asked by Maximus to prepare a couch for the banquet, as Tubero was a son of the sister of the same Africanus. And he, a most learned man and a Stoic, covered for that occasion some couches made in the Carthaginian fashion, with skins of kids, and exhibited some Samian[12] vessels, as if Diogenes the Cynic had been dead, and not as if he were paying respect to the obsequies of that godlike Africanus; a man with respect to whom Maximus, when he was pronouncing his funeral panegyric on the day of his death, expressed his gratitude to the immortal gods for having caused that man to be born in this republic above all others, for that it was quite inevitable that the sovereignty of the world must belong to that state of which he was a citizen. At the celebration of the obsequies of such a man the Roman people was very indignant at the perverse wisdom of Tubero, and therefore he, a most upright man, a most virtuous citizen, though he was the grandson of Lucius Paullus, the sister's son, as I have said before, of Publius Africanus, lost the prætorship by his kid-skins.

The Roman people disapproves of private luxury, but admires public magnificence. It does not love profuse banquets, still less does it love sordid and uncivilized behavior. It makes a proper distinction between different duties and different seasons, and allows of vicissitudes of labor and pleasure. For as to what you say, that it is not right for men's minds to be influenced, in appointing magistrates, by any other consideration than that of the worth of the candidates, this principle even you

[12] Samian vessels were made of an inferior earthen-ware; Carthaginian couches were very low and narrow.

yourself—you, a man of the greatest worth—do not in every case adhere to. For why do you ask anyone to take pains for you, to assist you? You ask me to make you governor over myself, to intrust myself to you. What is the meaning of this? Ought I to be asked this by you, or should not you rather be asked by me to undertake labor and danger for the sake of my safety? Nay more, why is it that you have a nomenclator[13] with you? for in so doing, you are practising a trick and a deceit. For if it be an honorable thing for your fellow-citizens to be addressed by name by you, it is a shameful thing for them to be better known to your servant than to yourself. If, though you know them yourself, it seems better to use a prompter, why do you sometimes address them before he has whispered their names in your ear? Why, again, when he has reminded you of them, do you salute them as if you knew them yourself? And why, after you are once elected, are you more careless about saluting them at all? If you regulate all these things by the usages of the city, it is all right; but if you choose to weigh them by the precepts of your sect, they will be found to be entirely wrong. Those enjoyments, then, of games, and gladiators, and banquets, all which our ancestors desired, are not to be taken away from the Roman people, nor ought candidates to be forbidden the exercise of that kindness which is liberality rather than bribery.

Oh, but it is the interest of the republic that has induced you to become a prosecutor. I do believe, O Cato, that you have come forward under the influence of those feelings and of that opinion. But you err out of ignorance. That which I am doing, O judges, I am doing out of regard to my friendship for Lucius Murena and to his own worth, and I also do assert and call you all to witness that I am doing it for the sake of peace, of tranquillity, of concord, of liberty, of safety—ay, even for the sake of the lives of us all. Listen, O judges, listen to the consul—I will not speak with undue arrogance, I will only say, who devotes all his thoughts day and night to the republic. Lucius Catiline did not despise and scorn the republic to such a degree as to think that with the forces which he took away with him he could subdue this city. The contagion of that wickedness

[13] The nomenclator was a slave who accompanied the candidate in going his rounds, and told him the name of everyone he met, so that he might be able to accost them as if they were personally known to himself.

spreads more widely than anyone believes: more men are implicated in it than people are aware of. It is within the city—the Trojan horse, I say, is within the city; but you shall never be surprised sleeping by that while I am consul. You ask of me why I am afraid of Catiline? I am not; and I have taken care that no one should have any reason to be afraid of him; but I do say that those soldiers of his, whom I see present here, are objects of fear: nor is the army which Lucius Catiline now has with him as formidable as those men are who are said to have deserted that army; for they have not deserted it, but they have been left by him as spies, as men placed in ambuscade, to threaten our lives and liberties. Those men are very anxious that an upright consul and an able general, a man connected both by nature and by fortune with the safety of the republic, should by your decision be removed from the office of protecting the city, from the guardianship of the state. Their swords and their audacity I have procured the rejection of in the campus, I have disarmed them in the forum, I have often checked them at my own house; but if you now give them up one of the consuls, they will have gained much more by your votes than by their own swords. That which I, in spite of the resistance of many, have managed and carried through, namely, that on the first of January there should be two consuls in the republic, is of great consequence, O judges. Never believe that by consuls of moderate abilities, or by the ordinary modes of proceeding

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It is not some unjust law, some mischievous bribery, or some improprieties in the republic that have just been heard of, that are the real objects for your inquiry now. Plans have been formed in this state, O judges, for destroying the city, for massacring the citizens, for extinguishing the Roman name. They are citizens—citizens, I say (if indeed it is lawful to call them by this name), who are forming and have formed these plans respecting their own country. Every day I am counteracting their designs, disarming their audacity, resisting their wickedness. But I warn you, O judges; my consulship is now just at an end. Do not refuse me a successor in my diligence; do not refuse me him, to whom I am anxious to deliver over the republic in a sound condition, that he may defend it from these great dangers.

And do you not see, O judges, what other evil there is added to these evils? I am addressing you—you, O Cato. Do you not foresee a storm in your year of office? for in yesterday's assembly there thundered out the mischievous voice of a tribune elect,[14] one of your own colleagues; against whom your own mind took many precautions, and so too did all good men, when they invited you to stand for the tribuneship. Everything which has been plotted for the last three years, from the time when you know that the design of massacring the Senate was first formed by Lucius Catiline and by Cnæus Piso, is now breaking out on these days, in these months, at this time. What place is there, O judges, what time, what day, what night is there, that I have not been delivered and escaped from their plots and attacks, not only by my own prudence, but much more by the providence of the gods? It was not that they wished to slay me as an individual, but that they wished to get rid of a vigilant consul, and to remove him from the guardianship of the republic; and they would be just as glad, O Cato, to remove you too, if they could by any means contrive to do so; and believe me, that is what they are wishing and planning to do. They see how much courage, how much ability, how much authority, how much protection for the republic there is in you; but they think that, when they have once seen the power of the tribunes stripped of the support which it derives from the authority and assistance of the consuls, they will then find it easier to crush you when you are deprived of your arms and vigor. For they have no fear of another consul being elected in the place of this one; they see that that will depend upon your colleagues; they hope that Silanus, an illustrious man, will be exposed to their attacks without any colleague; and that so will you without any consul; and that so will the republic without any protector. When such are our circumstances, and such our perils, it becomes you, O Marcus Cato, who have been born, not for my good, nor for your own good, but for that of your country, to perceive what are their real objects; to retain as your assistant, and defender, and partner in the republic, a consul who has no private desires to gratify, a consul (as this season particularly requires) formed by fortune to court ease, but by knowledge to

[14] He means Quintus Metellus Nepos, the same man who afterward prevented his making an address to the people on his resigning his consulship.

carry on war, and by courage and practice to discharge in a proper manner whatever business you can impose upon him.

Although the whole power of providing for this rests with you, O judges—you in this cause, are the masters and directors of the whole republic—if Lucius Catiline, with his council of infamous men whom he took out with him, could give his decision in this case, he would condemn Lucius Murena; if he could put him to death, he would. For his plans require the republic to be deprived of every sort of aid; they require the number of generals who may be opposed to his frenzy to be diminished; they require that greater power should be given to the tribunes of the people, when they have driven away their adversary, to raise sedition and discord. Will, then, thoroughly honorable and wise men, chosen out of the most dignified orders of the state, give the same decision that most profligate gladiator, the enemy of the republic, would give? Believe me, O judges, in this case you are deciding not only about the safety of Lucius Murena, but also on your own. We are in a situation of extreme danger; there is no means now of repairing the losses which we have already sustained, or of recovering the ground which we have lost. We must take care not only not to diminish the resources which we still have, but to provide ourselves with additional ones if that be possible. For the enemy is not on the Anio, which in the time of the Punic War appeared a most terrible thing, but he is in the city, in the forum (O ye immortal gods! this connot be said without a groan); there are even some enemies in this sacred temple of the republic, in the very senate-house itself. May the gods grant that my colleague, that most gallant man, may be able in arms to overtake and crush this impious piratical war of Catiline's. I, in the garb of peace, with you and all virtuous men for my assistants, will endeavor by my prudence to divide and destroy the dangers which the republic is pregnant with and about to bring forth. But still, what will be the consequences if these things slip through our hands and remain in vigor till the ensuing year? There will be but one consul; and he will have sufficient occupation, not in conducting a war, but in managing the election of a colleague. There are some prepared to hinder him.

That intolerable pest will break forth wherever it can find room; and even now it is threatening the Roman people; soon

it will descend upon the suburban districts; frenzy will range at large among the camp, fear in the senate-house, conspiracy in the forum, an army in the Campus Martius, and devastation all over the country. In every habitation, and in every place, we shall live in fear of fire and sword. And yet all these evils, which have been so long making ready against us, if the republic is fortified by its natural means of protection, will be easily put down by the counsels of the magistrates and the diligence of private individuals.

And as this is the case, O judges, in the first place for the sake of the republic, than which nothing ought to be of more importance in the eyes of everyone, I do warn you, as I am entitled to do by my extreme diligence in the cause of the republic, which is well known to all of you—I do exhort you, as my consular authority gives me a right to do—I do entreat you, as the magnitude of the danger justifies me in doing, to provide for the tranquillity, for the peace, for the safety, for the lives of yourselves and of all the rest of your fellow-citizens. In the next place I do appeal to your good faith, O judges (whether you may think that I do so in the spirit of an advocate or a friend signifies but little), and beg of you not to overwhelm the recent exaltation of Lucius Murena, an unfortunate man, of one oppressed both by bodily disease and by vexation of mind, by a fresh cause for mourning. He has been lately distinguished by the greatest kindness of the Roman people, and has seemed fortunate in being the first man to bring the honors of the consulship into an old family, and a most ancient municipality. Now, in a mourning and unbecoming garb, debilitated by sickness, worn out with tears and grief, he is a suppliant to you, O judges, invoking your good faith, imploring your pity, fixing all his hopes on your power and your assistance. Do not, in the name of the immortal gods, O judges, deprive him not only of that office which he thought conferred additional honor on him, and at the same time of all the honors which he had gained before, and of all his dignity and fortune. And, O judges, what Lucius Murena is begging and entreating of you is no more than this; that if he has done no injury unjustly to anyone, if he has offended no man's ears or inclination, if he has never (to say the least) given anyone reason to hate him either at home or when engaged in war, he may in that case find among you moderation in judging,

and a refuge for men in dejection, and assistance for modest merit. The deprivation of the consulship is a measure calculated to excite great feelings of pity, O judges. For with the consulship everything else is taken away too. And at such times as these the consulship itself is hardly a thing to envy a man. For it is exposed to the harangues of seditious men, to the plots of conspirators, to the attacks of Catiline. It is opposed single-handed to every danger, and to every sort of unpopularity. So that, O judges, I do not see what there is in this beautiful consulship which need be grudged to Murena, or to any other man among us. But those things in it which are calculated to make a man an object of pity, are visible to my eyes, and you too can clearly see and comprehend them.

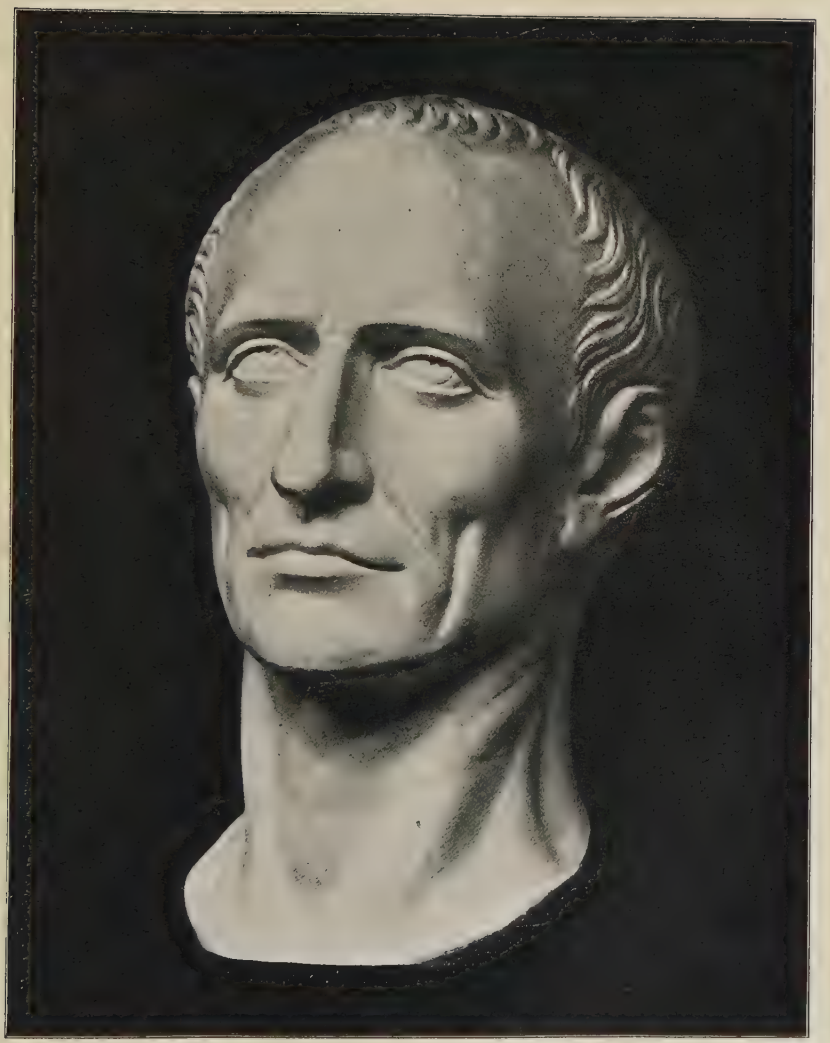
If (may Jupiter avert the omen) you condemn this man by your decision, where is the unhappy man to turn? Home? What, that he may see that image of that most illustrious man his father, which a few days ago he beheld crowned with laurel when men were congratulating him on his election, now in mourning and lamentation at his disgrace? Or to his mother, who, wretched woman, having lately embraced her son as consul, is now in all the torments of anxiety, lest she should but a short time afterward behold that same son stripped of all his dignity? But why do I speak of his home or of his mother, when the new punishment of the law deprives him of home, and parent, and of the intercourse with and sight of all his relations? Shall the wretched man then go into banishment? Whither shall he go? Shall he go to the east, where he was for many years lieutenant, where he commanded armies, and performed many great exploits? But it is a most painful thing to return to a place in disgrace, from which you have departed in honor. Shall he hide himself in the opposite regions of the earth, so as to let Transalpine Gaul see the same man grieving and mourning, whom it lately saw with the greatest joy, exercising the highest authority? In that same province, moreover, with what feelings will he behold Caius Murena, his own brother? What will be the grief of the one, what will be the agony of the other? What will be the lamentations of both? How great will the vicissitudes of fortune appear, and what a change will there be in everyone's conversation, when in the very places in which a few days before messengers and letters had repeated,

with every indication of joy, that Murena had been made consul —in the very places from which his own friends and his hereditary connections flocked to Rome for the purpose of congratulating him, he himself arrives on a sudden as the messenger of his own misfortune! And if these things seem bitter, and miserable, and grievous—if they are most foreign to your general clemency and merciful disposition, O judges, then maintain the kindness done to him by the Roman people; restore the consul to the republic; grant this to his own modesty, grant it to his dead father, grant it to his race and family, grant it also to Lanuvium, that most honorable municipality, the whole population of which you have seen watching this cause with tears and mourning. Do not tear from his ancestral sacrifices to Juno Sospita, to whom all consuls are bound to offer sacrifice, a consul who is so peculiarly her own. Him, if my recommendation has any weight, if my solemn assertion has any authority, I now recommend to you, O judges—I the consul recommend him to you as consul, promising and undertaking that he will prove most desirous of tranquillity, most anxious to consult the interests of virtuous men, very active against sedition, very brave in war, and an irreconcilable enemy to this conspiracy, which is at this moment seeking to undermine the republic.

JULIUS CÆSAR.

Photo-engraving from a bust in the British Museum at London.

This is the work of a Greek sculptor who has succeeded in representing the face of the Roman conqueror with an unsparing realism that lays bare his inmost character, in which fiery energy was controlled and directed by consummate prudence. There are at least five extant antique busts of Cæsar, representing him in his thirtieth, thirty-fifth, fortieth, forty-fifth, and fifty-fifth years. The present portrait was made by a Greek sculptor in the year 55 B.C., when the great general was forty-five years old, and had just completed the destruction of the Pompeiian party and reached the summit of his ambition. The Senate that year made him Imperator for life, proclaimed him a god, and named one of the months, July, after him.



ORATION IN DEFENCE OF PUBLIUS SYLLA

THE ARGUMENT

Publius Sylla having been elected consul with Publius Autronius four years before, had been impeached for bribery, convicted, and deprived of his consulship. He had then been prosecuted by Torquatus. He was now impeached by the younger Torquatus, the son of his former prosecutor, as having been implicated in both of Catiline's conspiracies. (Autronius was accused also, and he also applied to Cicero to defend him, but Cicero, being convinced that he was guilty, not only refused to defend him, but appeared as a witness against him.) Torquatus's real motive appears to have been jealousy of the fame which Cicero had obtained in his consulship; and, in his speech for the prosecution, when he found that Cicero had undertaken Sylla's cause, he had attacked Cicero himself, and tried to bring him into unpopularity, calling him a king who assumed a power to save or to destroy just as he thought fit; and saying that he was the third foreign king that had reigned in Rome; Numa and Tarquin being the two former. Sylla was acquitted.

ORATION IN DEFENCE OF PUBLIUS SYLLA

I SHOULD have been very glad, O judges, if Publius Sylla had been able formerly to retain the honor of the dignity to which he was appointed, and had been allowed, after the misfortune which befell him, to derive some reward from his moderation in adversity. But since his unfriendly fortune has brought it about that he has been damaged, even at a time of his greatest honor, by the unpopularity ensuing not only from the common envy which pursues ambitious men, but also by the singular hatred in which Autronius is held, and that even in this sad and deplorable wreck of his former fortunes, he has still some enemies whose hostility he is unable to appease by the punishment which has fallen upon him: although I am very greatly concerned at his distresses, yet in his other misfortunes I can easily endure that an opportunity should be offered to me of causing virtuous men to recognize my lenity and merciful disposition, which was formerly known to every one, but which has of late been interrupted as it were; and of forcing wicked and profligate citizens, being again defeated and vanquished, to confess that, when the republic was in danger, I was energetic and fearless; now that it is saved, I am lenient and merciful. And since Lucius Torquatus, O judges, my own most intimate friend, O judges, has thought that, if he violated our friendship and intimacy somewhat in his speech for the prosecution, he could by that means detract a little from the authority of my defence, I will unite with my endeavors to ward off danger from my client, a defence of my own conduct in the discharge of my duty. Not that I would employ that sort of speech at present, O judges, if my own interest alone were concerned, for on many occasions and in many places I have had, and I often shall have, opportunities of speaking of my own credit. But as he, O judges, has thought that the more he could take away from my authority, the more also he would be

diminishing my client's means of protection; I also think, that if I can induce you to approve of the principles of my conduct, and my wisdom in this discharge of my duty and in undertaking this defence, I shall also induce you to look favorably on the cause of Publius Sylla. And in the first place, O Torquatus, I ask you this, why you should separate me from the other illustrious and chief men of this city, in regard to this duty, and to the right of defending clients? For what is the reason why the act of Quintus Hortensius, a most illustrious man and a most accomplished citizen, is not blamed by you, and mine is blamed? For if a design of firing the city, and of extinguishing this empire, and of destroying this city, was entertained by Publius Sylla, ought not such projects to raise greater indignation and greater hatred against their authors in me than in Quintus Hortensius? Ought not my opinion to be more severe in such a matter, as to whom I should think fit to assist in these causes, whom to oppose, whom to defend, and whom to abandon? No doubt, says he, for it was you who investigated, you who laid open the whole conspiracy.

And when he says this, he does not perceive that the man who laid it open took care that all men should see that which had previously been hidden. Wherefore that conspiracy, if it was laid open by me, is now as evident in all its particulars to Hortensius as it is to me. And when you see that he, a man of such rank, and authority, and virtue, and wisdom, has not hesitated to defend this innocent Publius Sylla, I ask why the access to the cause which was open to Hortensius, ought to be closed against me? I ask this also—if you think that I, who defend him, am to be blamed, what do you think of those excellent men and most illustrious citizens, by whose zeal and dignified presence you perceive that this trial is attended, by whom the cause of my client is honored, by whom his innocence is upheld? For that is not the only method of defending a man's cause which consists in speaking for him. All who countenance him with their presence, who show anxiety in his behalf, who desire his safety, all, as far as their opportunities allow or their authority extends, are defending him. Ought I to be unwilling to appear on these benches on which I see these lights and ornaments of the republic, when it is only by my own numerous and great labors and dangers that I have

mounted into their rank, and into this lofty position and dignity which I now enjoy? And that you may understand, O Torquatus, whom you are accusing, if you are offended that I, who have defended no one on inquiries of this sort, do not abandon Publius Sylla, remember also the other men, whom you see countenancing this man by their presence. You will see that their opinion and mine has been one and the same about this man's case, and about that of the others. Who of us stood by Varguntius? No one. Not even this Quintus Hortensius, the very man who had formerly been his only defender when prosecuted for corruption. For he did not think himself connected by any bond of duty with that man, when he, by the commission of such enormous wickedness, had broken asunder the ties of all duties whatever. Who of us countenanced Servius Sylla? who . . . ? who of us thought Marcus Læca or Caius Cornelius fit to be defended? who of all the men whom you see here gave the countenance of his presence to any one of those criminals? No one. Why was that? Because in other causes good men think that they ought not to refuse to defend even guilty men, if they are their own intimate personal friends; but, in this prosecution, there would not only be the fault of acting lightly, but there would be even some infection of wickedness which would taint one who defended that man whom he suspected of being involved in the guilt of planning the parricide of his country. What was the case of Autronius? did not his companions, did not his own colleagues, did not his former friends, of whom he had at one time an ample number, did not all these men, who are the chief men in the republic, abandon him? Ay, and many of them even damaged him with their evidence. They made up their minds that it was an offence of such enormity, that they not only were bound to abstain from doing anything to conceal it, but that it was their duty to reveal it, and throw all the light that they were able upon it.

What reason is there then for your wondering, if you see me countenancing this cause in company with those men, whom you know that I also joined in discountenancing the other causes by absenting myself from them. Unless you wish me to be considered a man of eminent ferocity before all other men, a man savage, inhuman, and endowed with an extraordinary cruelty and barbarity of disposition. If this be the character

which, on account of all my exploits, you wish now to fix upon my whole life, O Torquatus, you are greatly mistaken. Nature made me merciful, my country made me severe; but neither my country nor nature has ever required me to be cruel. Lastly, that same vehement and fierce character which at that time the occasion and the republic imposed upon me, my own inclination and nature itself has now relieved me of; for my country required severity for a short time, my nature requires clemency and lenity during my whole life. There is, therefore, no pretence for your separating me from so numerous a company of most honorable men. Duty is a plain thing, and the cause of all men is one and the same. You will have no reason to marvel hereafter, whenever you see me on the same side as you observe these men. For there is no side in the republic in which I have a peculiar and exclusive property. The time for acting did belong more peculiarly to me than to the others; but the cause of indignation, and fear, and danger was common to us all. Nor, indeed, could I have been at that time, as I was, the chief man in providing for the safety of the state, if others had been unwilling to be my companions. Wherefore, it is inevitable that that which, when I was consul, belonged to me especially above all other men, should, now that I am a private individual, belong to me in common with the rest. Nor do I say this for the sake of sharing my unpopularity with others, but rather with the object of allowing them to partake of my praises. I will give a share of my burden to no one; but a share of my glory to all good men. "You gave evidence against Autronius," says he, "and you are defending Sylla." All this, O judges, has this object, to prove that, if I am an inconstant and fickle-minded man, my evidence ought not to be credited, and my defence ought not to carry any authority with it. But if there is found in me a proper consideration for the republic, a scrupulous regard to my duty, and a constant desire to retain the good-will of virtuous men, then there is nothing which an accuser ought less to say than that Sylla is defended by me, but that Autronius was injured by my evidence against him. For I think that I not only carry with me zeal in defending causes, but also that my deliberate opinion has some weight; which, however, I will use with moderation, O judges, and I would not have used it at all if he had not compelled me.

Two conspiracies are spoken of by you, O Torquatus; one, which is said to have been formed in the consulship of Lepidus and Volcatius, when your own father was consul elect; the other, that which broke out in my consulship. In each of these you say that Sylla was implicated. You know that I was not acquainted with the counsels of your father, a most brave man, and a most excellent consul. You know, as there was the greatest intimacy between you and me, that I knew nothing of what happened, or of what was said in those times; I imagine, because I had not yet become a thoroughly public character, because I had not yet arrived at the goal of honor which I proposed to myself, and because my ambition and my forensic labors separated me from all political deliberations. Who, then, was present at your counsels? All these men whom you see here, giving Sylla the countenance of their presence; and among the first was Quintus Hortensius—who, by reason of his honor and worth, and his admirable disposition towards the republic, and because of his exceeding intimacy with and excessive attachment to your father, was greatly moved by the thoughts of the common danger, and most especially by the personal peril of your father. Therefore, he was defended from the charge of being implicated in that conspiracy by that man who was present at and acquainted with all your deliberations, who was a partner in all your thoughts and in all your fears; and, elegant and argumentative as his speech in repelling this accusation was, it carried with it as much authority as it displayed of ability. Of that conspiracy, therefore, which is said to have been formed against you, to have been reported to you, and to have been revealed by you, I was unable to say anything as a witness. For I not only found out nothing, but scarcely did any report or suspicion of that matter reach my ears. They who were your counsellors, who became acquainted with these things in your company—they who were supposed to be themselves menaced with that danger, who gave no countenance to Autronius, who gave most important evidence against him—are now defending Publius Sylla, are countenancing him by their presence here; now that he is in danger they declare that they were not deterred by the accusation of conspiracy from countenancing the others, but by the guilt of the men. But for the time of my consulship, and with respect to

the charge of the greatest conspiracy, Sylla shall be defended by me. And this partition of the cause between Hortensius and me has not been made by chance, or at random, O judges, but, as we saw that we were employed as defenders of a man against those accusations in which we might have been witnesses, each of us thought that it would be best for him to undertake that part of the case, concerning which he himself had been able to acquire some knowledge, and to form some opinions with certainty.

And since you have listened attentively to Hortensius, while speaking on the charge respecting the former conspiracy, now, I beg you, listen to this first statement of mine respecting the conspiracy which was formed in my consulship.

When I was consul I heard many reports, I made many inquiries, I learned a great many circumstances, concerning the extreme peril of the republic. No messenger, no information, no letters, no suspicion ever reached me at any time in the least affecting Sylla. Perhaps this assertion ought to have great weight, when coming from a man who, as consul, had investigated the plots laid against the republic with prudence, had revealed them with sincerity, had chastised them with magnanimity, and who says that he himself never heard a word against Publius Sylla, and never entertained a suspicion of him. But I do not as yet employ this assertion for the purpose of defending him; I rather use it with a view to clear myself, in order that Torquatus may cease to wonder that I, who would not appear by the side of Autronius, am now defending Sylla. For what was the cause of Autronius? and what is the cause of Sylla? The former tried to disturb and get rid of a prosecution for bribery by raising in the first instance a sedition among gladiators and runaway slaves, and after that, as we all saw, by stoning people, and collecting a violent mob. Sylla, if his own modesty and worth could not avail him, sought no other assistance. The former, when he had been convicted, behaved in such a manner, not only in his secret designs and conversation, but in every look and in his whole countenance, as to appear an enemy to the most honorable orders in the state, hostile to every virtuous man, and a foe to his country. The latter considered himself so bowed down, so broken down by that misfortune, that he thought that none of his former dignity was

left to him, except what he could retain by his present moderation. And in this conspiracy, what union was ever so close as that between Autronius and Catiline, between Autronius and Lentulus? What combination was there ever between any men for the most virtuous purposes, so intimate as his connection with them for deeds of wickedness, lust, and audacity? what crime is there which Lentulus did not plot with Autronius? what atrocity did Catiline ever commit without his assistance? while, in the mean time, Sylla not only abstained from seeking the concealment of night and solitude in their company, but he had never the very slightest intercourse with them, either in conversation or in casual meetings. The Allobroges, those who gave us the truest information on the most important matters, accused Autronius, and so did the letters of many men, and many private witnesses. All that time no one ever accused Sylla; no one ever mentioned his name. Lastly, after Catiline had been driven out, or allowed to depart out of the city, Autronius sent his arms, trumpets, bugles, scythes,[1] standards, legions. He who was left in the city, but expected out of it, though checked by the punishment of Lentulus, gave way at times to feelings of fear, but never to any right feelings or good sense. Sylla, on the other hand, was so quiet, that all that time he was at Naples, where it is not supposed that there were any men who were implicated in or suspected of this crime; and the place itself is one not so well calculated to excite the feelings of men in distress, as to console them.

On account, therefore, of this great dissimilarity between the men and the cases, I also behaved in a different manner to them both. For Autronius came to me, and he was constantly coming to me, with many tears, as a suppliant, to beg me to defend him, and he used to remind me that he had been my schoolfellow in my childhood, my friend in my youth, and my colleague in the quæstorship. He used to enumerate many services which I had done him, and some also which he had done me. By all which circumstances, O judges, I was so much swayed and influenced, that I banished from my recollection all the plots which he had laid against me myself; that I forgot

[1] Some commentators propose fasces instead of falces here, and it would certainly make much better sense.

that Caius Cornelius had been lately sent by him for the purpose of killing me in my own house, in the sight of my wife and children. And if he had formed these designs against me alone, such is my softness and lenity of disposition, that I should never have been able to resist his tears and entreaties; but when the thoughts of my country, of your dangers, of this city, of all those shrines and temples which we see around us, of the infant children, and matrons, and virgins of the city occurred to me, and when those hostile and fatal torches destined for the entire conflagration of the whole city, when the arms which had been collected, when the slaughter and blood of the citizens, when the ashes of my country began to present themselves to my eyes, and to excite my feelings by the recollection, then I resisted him, then I resisted not only that enemy of his country, that parricide himself, but I withstood also his relations the Marcelli, father and son, one of whom was regarded by me with the respect due to a parent, and the other with the affection which one feels towards a son. And I thought that I could not, without being guilty of the very greatest wickedness, defend in their companion the same crimes which I had chastised in the case of others, when I knew him to be guilty. And, on the same principle, I could not endure to see Publius Sylla coming to me as a suppliant, or these same Marcelli in tears at his danger; nor could I resist the entreaties of Marcus Messala, whom you see in court, a most intimate friend of my own. For, neither was his cause disagreeable to my natural disposition, nor had the man or the facts anything in them at variance with my feelings of clemency. His name had never been mentioned, there was no trace whatever of him in the conspiracy; no information had touched him, no suspicion had been breathed of him. I undertook his cause, O Torquatus; I undertook it, and I did so willingly, in order that, while good men had always, as I hope, thought me virtuous and firm, not even bad men might be able to call me cruel.

This Torquatus then, O judges, says that he cannot endure my kingly power. What is the meaning of my kingly power, O Torquatus? I suppose you mean the power I exerted in my consulship; in which I did not command at all, but, on the contrary, I obeyed the conscript fathers, and all good men. In my discharge of that office, O judges, kingly power was not

established by me, but put down. Will you say that then, when I had such absolute power and authority over all the military and civil affairs of the State, I was not a king, but that now, when I am only a private individual, I have the power of a king? Under what title? "Why, because," says he, "those against whom you gave evidence were convicted, and the man whom you defend hopes that he shall be acquitted." Here I make you this reply, as to what concerns my evidence: that if I gave false evidence, you also gave evidence against the same man; if my testimony was true, then I say, that persuading the judges to believe a true statement, which one has made on oath, is a very different thing from being a king. And of the hopes of my client, I only say, that Publius Sylla does not expect from me any exertion of my influence or interest, or, in short, anything except to defend him with good faith. "But unless you," says he, "had undertaken his cause, he could never have resisted me, but would have fled without saying a word in his defence." Even if I were to grant to you that Quintus Hortensius, being a man of such wisdom as he is, and that all these men of high character, rely not on their own judgment, but on mine; if I were to grant to you, what no one can believe, that these men would not have countenanced Publius Sylla if I had not done so too; still, which is the king, he whom men, though perfectly innocent, cannot resist, or he who does not abandon men in misfortune? But here too, though you had not the least occasion for it, you took a fancy to be witty, when you called me Tarquin, and Numa, and the third foreign king of Rome. I won't say any more about the word king; but I should like to know why you called me a foreigner. For, if I am such, then it is not so marvellous that I should be a king —because, as you say yourself, foreigners have before now been kings at Rome—as that a foreigner should be a consul at Rome. "This is what I mean," says he, "that you come from a municipal town." I confess that I do, and I add, that I come from that municipal town from which salvation to this city and empire has more than once proceeded. But I should like exceedingly to know from you, how it is that those men who come from the municipal towns appear to you to be foreigners. For no one ever made that objection to that great man, Marcus Cato the elder, though he had many enemies, or to

Titus Coruncanius, or to Marcus Curius, or even to that great hero of our own times, Caius Marius, though many men envied him. In truth, I am exceedingly delighted that I am a man of such a charcater that, when you were anxious to find fault with me, you could still find nothing to reproach me with which did not apply also to the greater part of the citizens.

But still, on account of your great friendship and intimacy, I think it well to remind you of this more than once—all men cannot be patricians. If you would know the truth, they do not all even wish to be so; nor do those of your own age think that you ought on that account to have precedence over them. And if we seem to you to be foreigners, we whose name and honors have now become familiar topics of conversation and panegyric throughout the city and among all men, how greatly must those competitors of yours seem to be foreigners, who now, having been picked out of all Italy, are contending with you for honor and for every dignity! And yet take care that you do not call one of these a foreigner, lest you should be overwhelmed by the votes of the foreigners. For if they once bring their activity and perseverance into action, believe me they will shake those arrogant expressions out of you, and they will frequently wake you from sleep, and will not endure to be surpassed by you in honors, unless they are also excelled by you in virtue. And if, O judges, it is fit for me and you to be considered foreigners by the rest of the patricians, still nothing ought to be said about this blot by Torquatus. For he himself is, on his mother's side, a citizen of a municipal town; a man of a most honorable and noble family, but still he comes from Asculum. Either let him, then, show that the Picentians alone are not foreigners, or else let him congratulate himself that I do not put my family before his. So do not for the future call me a foreigner, lest you meet with a sterner refutation; and do not call me a king, lest you be laughed at. Unless, indeed, it appears to be the conduct of a king to live in such a manner as not to be slave not only to any man, but not even to any passion; to despise all capricious desires; to covet neither gold nor silver, nor anything else; to form one's opinions in the Senate with freedom; to consider the real interests of the people, rather than their inclinations; to yield to no one, to oppose many men. If you think that this is the conduct of a king, then

I confess that I am a king. If my power, if my sway, if, lastly, any arrogant or haughty expression of mine moves your indignation, then you should rather allege that, than stoop to raise odium against me by a name, and to employ mere abuse and insult.

If, after having done so many services to the republic, I were to ask for myself no other reward from the Senate and people of Rome beyond honorable ease, who is there who would not grant it to me? If I were to ask, that they would keep all honors, and commands, and provinces, and triumphs, and all the other insignia of eminent renown to themselves, and that they would allow me to enjoy the sight of the city which I had saved, and a tranquil and quiet mind? What, however, if I do not ask this? what, if my former industry, my anxiety, my assistance, my labor, my vigilance is still at the service of my friends, and ready at the call of everyone? If my friends never seek in vain for my zeal on their behalf in the forum, nor the republic in the senate-house; if neither the holiday earned by my previous achievements, nor the excuse which my past honors or my present age might supply me with, is employed to save me from trouble; if my good-will, my industry, my house, my attention, and my ears are always open to all men; if I have not even any time left to recollect and think over those things which I have done for the safety of the whole body of citizens; shall this still be called kingly power, when no one can possibly be found who would act as my substitute in it? All suspicion of aiming at kingly power is very far removed from me. If you ask who they are who have endeavored to assume kingly power in Rome, without unfolding the records of the public annals, you may find them among the images in your own house. I suppose it is my achievements which have unduly elated me, and have inspired me with I know not how much pride. Concerning which deeds of mine, illustrious and immortal as they are, O judges, I can say thus much—that I, who have saved this city, and the lives of all the citizens, from the most extreme dangers, shall have gained quite reward enough, if no danger arises to myself out of the great service which I have done to all men.

In truth, I recollect in what state it is that I have done such great exploits, and in what city I am living. The forum is

full of those men whom I, O judges, have taken off from your necks, but have not removed from my own. Unless you think that they were only a few men, who were able to attempt or to hope that they might be able to destroy so vast an empire. I was able to take away their fire-brands, to wrest their torches from their hands, as I did; but their wicked and impious inclinations I could neither cure nor eradicate. Therefore I am not ignorant in what danger I am living among such a multitude of wicked men, since I see that I have undertaken single-handed an eternal war against all wicked men.

But if, perchance, you envy that means of protection which I have, and if it seems to you to be of a kingly sort—namely, the fact that all good men of all ranks and classes consider their safety as bound up with mine—comfort yourself with the reflection that the dispositions of all wicked men are especially hostile to and furious against me alone; and they hate me, not only because I repressed their profligate attempts and impious madness, but still more because they think that, as long as I am alive, they can attempt nothing more of the same sort. But why do I wonder if any wicked thing is said of me by wicked men, where Lucius Torquatus himself, after having in the first place laid such a foundation of virtue as he did in his youth, after having proposed to himself the hope of the most honorable dignity in the state, and, in the second place, being the son of Lucius Torquatus, a most intrepid consul, a most virtuous senator, and at all times a most admirable citizen, is sometimes run away with by impetuosity of language? For when he had spoken in a low voice of the wickedness of Publius Lentulus, and of the audacity of all the conspirators, so that only you, who approve of those things, could hear what he said, he spoke with a loud querulous voice of the execution of Publius Lentulus and of the prison; in which there was, first of all, this absurdity, that when he wished to gain your approval of the inconsiderate things which he had said, but did not wish those men, who were standing around the tribunal, to hear them, he did not perceive that, while he was speaking so loudly, those men whose favor he was seeking to gain could not hear him, without your hearing him too, who did not approve of what he was saying; and, in the second place, it is a great defect in an orator not to see what each cause requires. For nothing

is so inconsistent as for a man who is accusing another of conspiracy, to appear to lament the punishment and death of conspirators; which is not, indeed, strange to anyone, when it is done by that tribune of the people who appears to be the only man left to bewail those conspirators; for it is difficult to be silent when you are really grieved. But, if you do anything of that sort, I do greatly marvel at you, not only because you are such a young man as you are, but because you do it in the very cause in which you wish to appear as a punisher of conspiracy. However, what I find fault with most of all, is this: that you, with your abilities and your prudence, do not maintain the true interest of the republic, but believe, on the contrary, that those actions are not approved of by the Roman people, which, when I was consul, were done by all virtuous men, for the preservation of the common safety of all.

Do you believe that any one of those men who are here present, into whose favor you were seeking to insinuate yourself against their will, was either so wicked as to wish all these things to be destroyed, or so miserable as to wish to perish himself, and to have nothing which he wished to preserve? Is there anyone who blames the most illustrious man of your family and name, who deprived his own son [2] of life in order to strengthen his power over the rest of his army; and do you blame the republic for destroying domestic enemies in order to avoid being herself destroyed by them? Take notice then, O Torquatus, to what extent I shirk the avowal of the actions of my consulship. I speak, and I always will speak, with my loudest voice, in order that all men may be able to hear me: be present all of you with your minds, ye who are present with your bodies, ye in whose numerous attendance I take great pleasure; give me your attention and all your ears, and listen to me while I speak of what he believes to be unpopular topics. I, as consul, when an army of abandoned citizens, got together by clandestine wickedness, had prepared a most cruel and miserable destruction for my country; when Catiline had been appointed to manage the fall and ruin of the republic in the camp, and when Lentulus was the leader among those very

[2] This refers to the story of Titus Manlius Torquatus, who, in the Latin War (A.U.C. 415), put his own son to death for leaving his ranks (in forgetfulness of a general order issued by his father the consul) to fight Geminius Metius, whom he slew. The story is told by Livy, lib. iii. c. 7.

temples and houses around us; I, I say, by my labors, at the risk of my own life, by my prudence, without any tumult, without making any extraordinary levies, without arms, without an army, having arrested and executed five men, delivered the city from conflagration, the citizens from massacre, Italy from devastation, the republic from destruction. I, at the price of the punishment of five frantic and ruined men, ransomed the lives of all the citizens, the constitution of the whole world, this city, the home of all of us, the citadel of foreign kings and foreign nations, the light of all people, the abode of empire. Did you think that I would not say this in a court of justice when I was not on my oath, which I had said before now in a most numerous assembly when speaking [3] on oath?

And I will say this further, O Torquatus, to prevent any wicked man from conceiving any sudden attachment to, or any sudden hopes of you; and, in order that everyone may hear it, I will say it as loudly as I can: Of all those things which I undertook and did during my consulship in defence of the common safety, that Lucius Torquatus, being my constant comrade in my consulship, and having been so also in my prætorship, was my defender, and assistant, and partner in my actions; being also the chief, and the leader, and the standard-bearer of the Roman youth; and his father, a man most devoted to his country, a man of the greatest courage, of the most consummate political wisdom, and of singular firmness, though he was sick, still was constantly present at all my actions; he never left my side: he, by his zeal and wisdom and authority was of the very greatest assistance to me, overcoming the infirmity of his body by the vigor of his mind. Do you not see now, how I deliver you from the danger of any sudden popularity among the wicked, and reconcile you to all good men? who love you, and cherish you, and who always will cherish you; nor, if perchance you for a while abandon me, will they on that account allow you to abandon them and the republic and your own dignity.

[3] This refers to Cicero's conduct when resigning his consulship. Metellus, as has been said before, refused to allow him to make a speech to the people, because, as he said, he had put Roman citizens to death without a trial; on which Cicero, instead of making oath in the ordinary formula, that he had discharged his duty with fidelity, swore with a loud voice "that the republic and the city had been saved by his unassisted labor"; and all the Roman people cried out with one voice that that statement was true to its fullest extent.

But now I return to the cause; and I call you, O judges, to bear witness to this—that this necessity of speaking of myself was imposed on me by him. For if Torquatus had been content with accusing Sylla, I too at the present time should have done nothing beyond defending him who had been accused; but when he, in his whole speech, inveighed against me, and when, in the very beginning, as I said, he sought to deprive my defence of all authority, even if my indignation had not compelled me to speak, still the necessity of doing justice to my cause would have demanded this speech from me.

You say that Sylla was named by the Allobroges. Who denies it? but read the information, and see how he was named. They said that Lucius Cassius had said that, among other men, Autronius was favorable to their designs. I ask, did Cassius say that Sylla was? Never. They say that they themselves inquired of Cassius what Sylla's opinions were. Observe the diligence of the Gauls. They, knowing nothing of the life or character of the man, but only having heard that he and Autronius had met with one common disaster, asked whether his inclinations were the same? What then? Even if Cassius had made answer that Sylla was of the same opinion, and was favorable to their views, still it would not seem to me that that reply ought to be made matter of accusation against him. How so? Because, as it was his object to instigate the barbarians to war, it was no business of his to weaken their expectations, or to acquit those men of whom they did entertain some suspicions. But yet he did not reply that Sylla was favorable to their designs. And, in truth, it would have been an absurdity, after he had named everyone else of his own accord, to make no mention of Sylla till he was reminded of him and asked about him. Unless you think this probable, that Lucius Cassius had quite forgotten the name of Publius Sylla. Even if the high rank of the man, and his unfortunate condition, and the relics of his ancient dignity, had not made him notorious, still the mention of Autronius must have recalled Sylla to his recollection. In truth, it is my opinion, that, when Cassius was enumerating the authority of the chief men of the conspiracy, for the purpose of exciting the minds of the Allobroges, as he knew that the foreign nations are especially moved by an illustrious name, he would not have named Au-

tronius before Sylla, if he had been able to name Sylla at all. But no one can be induced to believe this—that the Gauls, the moment that Autronius was named, should have thought, on account of the similarity of their misfortunes, that it was worth their while to make inquiries about Sylla, but that Cassius, if he really was implicated in this wickedness, should never have once recollected Sylla, even after he had named Autronius. However, what was the reply which Cassius made about Sylla? He said that he was not sure. "He does not acquit him," says Torquatus. I have said before, that even if he had accused him, when he was interrogated in this manner, his reply ought not to have been made matter of accusation against Sylla. But I think that, in judicial proceedings and examinations, the thing to be inquired is, not whether anyone is exculpated, but whether anyone is inculpated. And in truth, when Cassius says that he does not know, is he seeking to exculpate Sylla, or proving clearly enough that he really does not know? He is unwilling to compromise him with the Gauls. Why so? That they may not mention him in their information? What? If he had supposed that there was any danger of their ever giving any information at all, would he have made that confession respecting himself? He did not know it. I suppose, O judges, Sylla was the only person about whom Cassius was kept in the dark. For he certainly was well informed about everyone else; and it was thoroughly proved that a great deal of the conspiracy was hatched at his house. As he did not like to deny that Sylla made one of the conspirators, his object being to give the Gauls as much hope as possible, and as he did not venture to assert what was absolutely false, he said that he did not know. But this is quite evident, that as he, who knew the truth about everyone, said that he did not know about Sylla, the same weight is due to this denial of his as if he had said that he did know that he had nothing to do with the conspiracy. For when it is perfectly certain that a man is acquainted with all the conspirators, his ignorance of anyone ought to be considered an acquittal of him. But I am not asking now whether Cassius acquits Sylla; this is quite sufficient for me, that there is not one word to implicate Sylla in the whole information of the Allobroges.

Torquatus being cut off from this article of his accusation,

again turns against me, and accuses me. He says that I have made an entry in the public registers of a different statement from that which was really made. O ye immortal gods (for I will give you what belongs to you; nor can I attribute so much to my own ability, as to think that I was able, in that most turbulent tempest which was afflicting the republic, to manage, of my own power, so many and such important affairs—affairs arising so unexpectedly, and of such various characters)! it was you, in truth, who then inflamed my mind with the desire of saving my country; it was you who turned me from all other thoughts to the one idea of preserving the republic; it was you who, amid all that darkness of error and ignorance, held a bright light before my mind! I saw this, O judges, that unless, while the recollection of the Senate on the subject was still fresh, I bore evidence to the authority and to the particulars of this information by public records, hereafter someone, not Torquatus, nor anyone like Torquatus (for in that indeed I have been much deceived), but someone who had lost his patrimony, some enemy of tranquillity, some foe to all good men, would say that the information given had been different; in order the more easily, when some gale of odium had been stirred up against all virtuous men, to be able, amid the misfortunes of the republic, to discover some harbor for his own broken vessel. Therefore, having introduced the informers into the Senate, I appointed senators to take down every statement made by the informers, every question that was asked, and every answer that was given. And what men they were! Not only men of the greatest virtue and good faith, of which sort of men there are plenty in the Senate, but men, also, who I knew from their memory, from their knowledge, from their habit and rapidity of writing, could most easily follow everything that was said. I selected Caius Cosconius, who was prætor at the time; Marcus Messala, who was at the time standing for the prætorship; Publius Nigidius, and Appius Claudius. I believe that there is no one who thinks that these men were deficient either in the good faith or in the ability requisite to enable them to give an accurate report.

What followed? What did I do next? As I knew that the information was by these means entered among the public documents, but yet that those records would be kept in the

custody of private individuals, according to the customs of our ancestors, I did not conceal it; I did not keep it at my own house; but I caused it at once to be copied out by several clerks, and to be distributed everywhere and published and made known to the Roman people. I distributed it all over Italy, I sent copies of it into every province; I wish no one to be ignorant of that information, by means of which safety was procured for all. And I took this precaution, though at so disturbed a time, and when all opportunities of acting were so sudden and so brief, at the suggestion of some divine providence, as I said before, and not of my own accord, or of my own wisdom; taking care, in the first instance, that no one should be able to recollect of the danger to the republic, or to any individual, only as much as he pleased; and in the second place, that no one should be able at any time to find fault with that information, or to accuse us of having given credit to it rashly; and lastly, that no one should ever put any questions to me, or seek to learn anything from my private journals, lest I might be accused of either forgetting or remembering too much, and lest any negligence of mine should be thought discreditable, or lest any eagerness on my part might seem cruel.

But still, O Torquatus, I ask you, as your enemy was mentioned in the information, and as a full Senate and the memory of all men as to so recent an affair were witnesses of that fact; as my clerks would have communicated the information to you, my intimate friend and companion, if you had wished for it, even before they had taken a copy of it; when you saw that there were any incorrectnesses in it, why were you silent, why did you permit them? Why did you not make a complaint to me or to some friend of mine? or why did you not at least, since you are so well inclined to inveigh against your friends, expostulate passionately and earnestly with me? Do you, when your voice was never once heard at the time, when, though the information was read, and copied out, and published, you kept silence then—do you, I say, now on a sudden dare to bring forward a statement of such importance? and to place yourself in such a position that, before you can convict me of having tampered with the information, you must confess that you are convicted yourself of the grossest negligence, on your own information laid against yourself?

Was the safety of anyone of such consequence to me as to induce me to forget my own? or to make me contaminate the truth, which I had laid open, by any lie? Or do you suppose that I would assist anyone by whom I thought that a cruel plot had been laid against the republic, and most especially against me the consul? But if I had been forgetful of my own severity and of my own virtue, was I so mad, as, when letters are things which have been devised for the sake of posterity, in order to be a protection against forgetfulness, to think that the fresh recollection of the whole Senate could be beaten down by my journal? I have been bearing with you, O Torquatus, for a long time. I have been bearing with you; and sometimes I, of my own accord, call back and check my inclination, when it has been provoked to chastise your speech. I make some allowance for your violent temper, I have some indulgence for your youth, I yield somewhat to our own friendship, I have some regard to your father. But unless you put some restraint upon yourself, you will compel me to forget our friendship, in order to pay due regard to my own dignity. No one ever attempted to attach the slightest suspicion to me, that I did not defeat him; but I wish you to believe me in this; those whom I think that I can defeat most easily, are not those whom I take the greatest pleasure in answering. Do you, since you are not at all ignorant of my ordinary way of speaking, forbear to abuse my lenity. Do not think that the stings of my eloquence are taken away, because they are sheathed. Do not think that that power has been entirely lost, because I show some consideration for, and indulgence toward you. In the first place, the excuses which I make to myself for your injurious conduct, your violent temper, your age, and our friendship, have much weight with me; and, in the next place, I do not yet consider you a person of sufficient power to make it worth my while to contend and argue with you. But if you were more capable through age and experience, I should pursue the conduct which is habitual to me when I have been provoked; at present I will deal with you in such a way that I shall seem to have received an injury rather than to have requited one.

Nor, indeed, can I make out why you are angry with me. If it is because I am defending a man whom you are accusing,

why should not I also be angry with you, for accusing a man whom I am defending? "I," say you, "am accusing my enemy." And I am defending my friend. "But you ought not to defend anyone who is being tried for conspiracy." On the contrary, no one ought to be more prompt to defend a man of whom he has never suspected any ill, than he who has had many reasons for forming opinions about other men. "Why did you give evidence against others?" Because I was compelled. "Why were they convicted?" Because my evidence was believed. "It is behaving like a king to speak against whomsoever you please, and to defend whomsoever you please." Say, rather, that it is slavery not to be able to speak against anyone you choose, and to defend anyone you choose. And if you begin to consider whether it was more necessary for me to do this, or for you to do that, you will perceive that you could with more credit fix a limit to your enmities than I could to my humanity.

But when the greatest honors of your family were at stake, that is to say, the consulship of your father, that wise man your father was not angry with his most intimate friends for defending and praising Sylla. He was aware that this was a principle handed down to us from our ancestors, that we were not to be hindered by our friendship for anyone, from warding off dangers from others. And yet that contest was far from resembling this trial. Then, if Publius Sylla could be put down, the consulship would be procured for your father, as it was procured; it was a contest of honor; you were crying out, that you were seeking to recover what had been taken from you, in order that, having been defeated in the Campus Martius, you might succeed in the forum. Then, those who were contending against you for Sylla's safety, your greatest friends, with whom you were not angry on that account, deprived you of the consulship, resisted your acquisition of honor; and yet they did so without any rupture of your mutual friendship, without violating any duty, according to ancient precedent and the established principles of every good man.

But now what promotion of yours am I opposing? or what dignity of yours am I throwing obstacles in the way of? What is there which you can at present seek from this proceeding?

Honor has been conferred on your father; the insignia of honor have descended to you. You, adorned with his spoils, come to tear the body of him whom you have slain; I am defending and protecting him who is lying prostrate and stripped of his arms. And on this you find fault with me, and are angry because I defend him. But I not only am not angry with you, but I do not even find fault with your proceeding. For I imagine that you have laid down a rule for yourself as to what you thought that you ought to do, and that you have appointed a very capable judge of your duty. "Oh, but the son of Caius Cornelius accuses him, and that ought to have the same weight as if his father had given information against him." O wise Cornelius—the father, I mean—who left all the reward which is usually given for information, but has got all the discredit which a confession can involve, through the accusation brought by his son! However, what is it that Cornelius gives information of by the mouth of that boy? If it is a part of the business which is unknown to me, but which has been communicated to Hortensius, let Hortensius reply. If, as you say, his statement concerns that crew of Autronius and Catiline, when they intended to commit a massacre in the Campus Martius, at the consular comitia, which were held by me; we saw Autronius that day in the Campus. And why do I say we saw? I myself saw him (for you at that time, O judges, had no anxiety, no suspicions; I, protected by a firm guard of friends at that time, checked the forces and the endeavors of Catiline and Autronius). Is there, then, anyone who says that Sylla at that time had any idea of coming into the Campus? And yet, if at that time he had united himself with Catiline in that society of wickedness, why did he leave him? why was not he with Autronius? why, when their cases were similar, are not similar proofs of criminality found? But since Cornelius himself even now hesitates about giving information against him, he, as you say, contents himself with filling up the outline of his son's information. What then does he say about that night, when, according to the orders of Catiline, he came into the Scythe-makers'[4] street, to the house of Marcus Lecca, that night which followed the sixth of November, in my consulship? that night which of all the moments of the conspiracy was the most terrible and the most miserable. Then the day in which

[4] This was the name of a street.

Catiline should leave the city, then the terms on which the rest should remain behind, then the arrangement and division of the whole city, with regard to the conflagration and the massacre, was settled. Then your father, O Cornelius, as he afterward confessed, begged for himself that especial employment of going the first thing in the morning to salute me as consul, in order that, having been admitted, according to my usual custom and to the privilege which his friendship with me gave him, he might slay me in my bed.

At this time, when the conspiracy was at its height; when Catiline was starting for the army, and Lentulus was being left in the city; when Cassius was being appointed to superintend the burning of the city, and Cethegus the massacre; when Autronius had the part allotted to him of occupying Italy; when, in short, everything was being arranged, and settled, and prepared; where, O Cornelius, was Sylla? Was he at Rome? No, he was very far away. Was he in those districts to which Catiline was betaking himself? He was still farther from them. Was he in the Camertine, or Picenian, or Gallic district? lands which the disease, as it were, of that frenzy had infected most particularly. Nothing is further from the truth; for he was, as I have said already, at Naples. He was in that part of Italy which above all others was free from all suspicion of being implicated in that business. What then does he state in his information, or what does he allege—I mean Cornelius, or you who bring these messages from him? He says that gladiators were bought, under pretence of some games to be exhibited by Faustus, for the purposes of slaughter and tumult. Just so; the gladiators are mentioned whom we know that he was bound to provide according to his father's will. "But he seized on a whole household of gladiators; and if he had left that alone, some other troop might have discharged the duty to which Faustus was bound." I wish this troop could satisfy not only the envy of parties unfavorable to him, but even the expectations of reasonable men. "He was in a desperate hurry, when the time for the exhibition was still far off." As if, in reality, the time for the exhibition was not drawing very near. This household of slaves was got without Faustus having any idea of such a step; for he neither knew of it, nor wished it. But there are letters of Faustus's extant, in which he begs and prays Publius

Sylla to buy gladiators, and to buy this very troop: and not only were such letters sent to Publius Sylla, but they were sent also to Lucius Cæsar, to Quintus Pompeius, and to Caius Memmius, by whose advice the whole business was managed. But Cornelius[5] was appointed to manage the troop. If in the respect of the purchase of this household of gladiators no suspicion attaches to the circumstances, it certainly can make no difference that he was appointed to manage them afterward. But still, he in reality only discharged the servile duty of providing them with arms; but he never did superintend the men themselves; that duty was always discharged by Balbus, a freedman of Faustus.

But Sittius was sent by him into farther Spain, in order to excite sedition in that province. In the first place, O judges, Sittius departed, in the consulship of Lucius Julius and Caius Figulus, some time before this mad business of Catiline's, and before there was any suspicion of this conspiracy. In the second place, he did not go there for the first time, but he had already been there several years before, for the same purpose that he went now. And he went, not only with an object, but with a necessary object, having some important accounts to settle with the king of Mauritania. But then, after he was gone, as Sylla managed his affairs as his agent, he sold many of the most beautiful farms of Publius Sittius, and by this means paid his debts; so that the motive which drove the rest to this wickedness, the desire, namely, of retaining their possessions, did not exist in the case of Sittius, who had diminished his landed property to pay his debts. But now, how incredible, how absurd is the idea that a man who wished to make a massacre at Rome, and to burn down this city, should let his most intimate friend depart, should send him away into the most distant countries! Did he so in order the more easily to effect what he was endeavoring to do at Rome, if there were seditions in Spain? "But these things were done independently, and had no connection with one another." Is it possible, then, that he should have thought it desirable, when engaged in such important affairs, in such novel, and dangerous, and seditious designs, to send away a man thoroughly attached to himself, his most intimate friend, one con-

[5] This Cornelius is not the Roman knight mentioned before, but some freedman of Publius Sylla.

nected with himself by reciprocal good offices and by constant intercourse? It is not probable that he should send away, when in difficulty, and in the midst of troubles of his own raising, the man whom he had always kept with him in times of prosperity and tranquillity.

But is Sittius himself (for I must not desert the cause of my old friend and host) a man of such a character, or of such a family and such a school, as to allow us to believe that he wished to make war on the republic? Can we believe that he, whose father, when all our other neighbors and borderers revolted from us, behaved with singular duty and loyalty to our republic, should think it possible himself to undertake a nefarious war against his country? A man whose debts we see were contracted, not out of luxury, but from a desire to increase his property, which led him to involve himself in business; and who, though he owed debts at Rome, had very large debts owing to him in the provinces and in the confederate kingdoms; and when he was applying for them he would not allow his agents to be put in any difficulty by his absence, but preferred having all his property sold, and being stripped himself of a most beautiful patrimony, to allowing any delay to take place in satisfying his creditors. And of men of that sort I never, O judges, had any fear when I was in the middle of that tempest which afflicted the republic. The sort of men who were formidable and terrible, were those who clung to their property with such affection that you would say it was easier to tear their limbs from them than their lands; but Sittius never thought that there was such a relationship between him and his estates; and therefore he cleared himself not only from all suspicion of such wickedness as theirs, but even from being talked about, not by arms, but at the expense of his patrimony.

But now, as to what he adds, that the inhabitants of Pompeii were excited by Sylla to join that conspiracy and that abominable wickedness, what sort of statement that is I am quite unable to understand. Do the people of Pompeii appear to have joined the conspiracy? Who has ever said so? or when was there the slightest suspicion of this fact? "He separated then," says he, "from the settlers, in order that when he had excited dissensions and divisions within, he might be able to have the town and nation of Pompeii in his power." In the first place,

every circumstance of the dissension between the natives of Pompeii and the settlers was referred to the patrons of the town, being a matter of long standing, and having been going on many years. In the second place, the matter was investigated by the patrons in such a way, that Sylla did not in any particular disagree with the opinions of the others. And lastly, the settlers themselves understand that the natives of Pompeii were not more defended by Sylla than they themselves were. And this, O judges, you may ascertain from the number of settlers, most honorable men, here present; who are here now, and are anxious and above all things desirous that the man, the patron, the defender, the guardian of that colony (if they have not been able to see him in the safe enjoyment of every sort of good fortune and every honor), may at all events, in the present misfortune by which he is attacked, be defended and preserved by your means. The natives of Pompeii are here also with equal eagerness, who are accused as well as he is by the prosecutors; men whose differences with the settlers about walks and about votes have not gone to such lengths as to make them differ also about their common safety. And even this virtue of Publius Sylla appears to me to be one which ought not to be passed over in silence; that though that colony was originally settled by him, and though the fortune of the Roman people has separated the interests of the settlers from the fortunes of the native citizens of Pompeii, he is still so popular among, and so much beloved by both parties, that he seems not so much to have dispossessed the one party of their lands as to have settled both of them in that country.

"But the gladiators, and all those preparations for violence, were got together because of the motion of Cæcilius." And then he inveighed bitterly against Cæcilius, a most virtuous and most accomplished man, of whose virtue and constancy, O judges, I will only say thus much—that he behaved in such a manner with respect to that motion which he brought forward, not for the purpose of doing away with, but only of relieving his brother's misfortune, that, though he wished to consult his brother's welfare, he was unwilling to oppose the interests of the republic; he proposed his law under the impulse of brotherly affection, and he abandoned it because he was dissuaded from it by his brother's authority. And Sylla is accused by Lucius

Cæcilius, in that business in which both of them deserve praise. In the first place, Cæcilius, for having proposed a law by which he appeared to wish to rescind an unjust decision; and Sylla, who reproved him, and chose to abide by the decision. For the constitution of the republic derives its principal consistency from formal legal decisions. Nor do I think that anyone ought to yield so much to his love for his brother as to think only of the welfare of his own relations, and to neglect the common safety of all. He did not touch the decision already given, but he took away the punishment for bribery which had been lately established by recent laws. And, therefore, by this motion he was seeking, not to rescind a decision, but to correct a defect in the law. When a man is complaining of a penalty, it is not the decision with which he is finding fault, but the law. For the conviction is the act of judges, and that is let stand; the penalty is the act of the law, and that may be lightened. Do not, therefore, alienate from your cause the inclinations of those orders of men which preside over the courts of justice with the greatest authority and dignity. No one has attempted to annul the decision which has been given; nothing of that sort has been proposed. What Cæcilius always thought while grieved at the calamity which had befallen his brother, was, that the power of the judges ought to be preserved unimpaired, but that the severity of the law required to be mitigated.

But why need I say more on this topic? I might speak perhaps, and I would speak willingly and gladly, if affection and fraternal love had impelled Lucius Cæcilius a little beyond the limits which regular and strict duty requires of a man; I would appeal to your feelings, I would invoke the affection which everyone feels for his own relations; I would solicit pardon for the error of Lucius Cæcilius, from your own inmost thoughts and from the common humanity of all men. The law was proposed only a few days; it was never begun to be put in train to be carried; it was laid on the table in the Senate. On the first of January, when we had summoned the Senate to meet in the Capitol, nothing took precedence of it; and Quintus Metellus the prætor said, that what he was saying was by the command of Sylla; that Sylla did not wish such a motion to be brought forward respecting his case. From that time forward Cæcilius applied himself to many measures for the advantage of the republic; he de-

clared that he by his intercession would stop the agrarian law, which was in every part of it denounced and defeated by me. He resisted infamous attempts at corruption; he never threw any obstacles in the way of the authority of the Senate. He behaved himself in his tribuneship in such a manner, that, laying aside all regard for his own domestic concerns, he thought of nothing for the future but the welfare of the republic. And even in regard to this very motion, who was there of us who had any fears of Sylla or Cæcilius attempting to carry any point by violence? Did not all the alarm that existed at that time, all the fear and expectation of sedition, arise from the villany of Autronius? It was his expressions and his threats which were bruited abroad; it was the sight of him, the multitudes that thronged to him, the crowd that escorted him, and the bands of his abandoned followers, that caused all the fear of sedition which agitated us. Therefore, Publius Sylla, as this most odious man was then his comrade and partner, not only in honor but also in misfortune, was compelled to lose his own good fortune, and to remain under a cloud without any remedy or alleviation.

At this point you are constantly reading passages from my letter, which I sent to Cnæus Pompeius about my own achievements, and about the general state of the republic; and out of it you seek to extract some charge against Publius Sylla. And because I wrote that an attempt of incredible madness, conceived two years before, had broken out in my consulship, you say that I, by this expression, have proved that Sylla was in the former conspiracy. I suppose I think that Cnæus Piso, and Catiline, and Vargunteius were not able to do any wicked or audacious act by themselves, without the aid of Publius Sylla! But even if anyone had had a doubt on that subject before, would he have thought (as you accuse him of having done) of descending, after the murder of your father, who was then consul, into the Campus on the first of January with the lictors? This suspicion, in fact, you removed yourself, when you said that he had prepared an armed band and cherished violent designs against your father, in order to make Catiline consul. And if I grant you this, then you must grant to me that Sylla, when he was voting for Catiline, had no thoughts of recovering by violence his own consulship, which he had lost by a judicial decision. For his character is not one, O judges, which is at all

liable to the imputation of such enormous, of such atrocious crimes.

For I will now proceed, after I have refuted all the charges against him, by an arrangement contrary to that which is usually adopted, to speak of the general course of life and habits of my client. In truth, at the beginning I was eager to encounter the greatness of the accusation, to satisfy the expectations of men, and to say something also of myself, since I too had been accused. But now I must call you back to that point to which the cause itself, even if I said nothing, would compel you to direct all your attention.

In every case, O judges, which is of more serious importance than usual, we must judge a good deal as to what everyone has wished, or intended, or done, not from the counts of the indictment, but from the habits of the person who is accused. For no one of us can have his character modelled in a moment, nor can anyone's course of life be altered, or his natural disposition changed on a sudden. Survey for a moment in your mind's eye, O judges (to say nothing of other instances), these very men who were implicated in this wickedness. Catiline conspired against the republic. Whose ears were ever unwilling to believe in this attempt on the part of a man who had spent his whole life, from his boyhood upward, not only in intemperance and debauchery, but who had devoted all his energies and all his zeal to every sort of enormity, and lust, and bloodshed? Who marvelled that that man died fighting against his country, whom all men had always thought born for civil war? Who is there that recollects the way in which Lentulus was a partner of informers, or the insanity of his caprices, or his perverse and impious superstition, who can wonder that he cherished either wicked designs, or insane hopes? Who ever thinks of Caius Cethegus and his expedition into Spain, and the wound inflicted on Quintus Metellus Pius, without seeing that a prison was built on purpose to be the scene of his punishment? I say nothing of the rest, that there may be some end to my instances. I only ask you, silently to recollect all those men who are proved to have been in this conspiracy. You will see that every one of those men was convicted by his own manner of life, before he was condemned by our suspicion. And as for Autronius himself (since his name is the most nearly connected with the danger in which my client is,

and with the accusation which is brought against him), did not the manner in which he had spent all his early life convict him? He had always been audacious, violent, profligate. We know that in defending himself in charges of adultery, he was accustomed to use not only the most infamous language, but even his fists and his feet. We know that he had been accustomed to drive men from their estates, to murder his neighbors, to plunder the temples of the allies, to disturb the courts of justice by violence and arms; in prosperity to despise everybody, in adversity to fight against all good men; never to regard the interests of the republic, and not to yield even to fortune herself. Even if he were not convicted by the most irresistible evidence, still his own habits and his past life would convict him.

Come now, compare with those men the life of Publius Sylla, well known as it is to you and to all the Roman people; and place it, O judges, as it were before your eyes. Has there ever been any act or exploit of his which has seemed to anyone, I will not say audacious, but even rather inconsiderate? Do I say any act? Has any word ever fallen from his lips by which anyone could be offended? Ay, even in that terrible and disorderly victory of Lucius Sylla, who was found more gentle or more merciful than Publius Sylla? How many men's wives did he not save by begging them of Lucius Sylla! How many men are there of the highest rank and of the greatest accomplishments, both of our order and of the equestrian body, for whose safety he laid himself under obligations to Lucius Sylla! whom I might name, for they have no objection; indeed they are here to countenance him now, with the most grateful feelings towards him. But, because that service is a greater one than one citizen ought to be able to do to another, I entreat of you to impute to the times the fact of his having such power, but to give him himself the credit due to his having exerted it in such a manner. Why need I speak of the other virtues of his life? of his dignity? of his liberality? of his moderation in his own private affairs? of his splendor on public occasions? For, though in these points he has been crippled by fortune, yet the good foundations laid by nature are visible. What a house was his! what crowds frequented it daily! How great was the dignity of his behavior to his friends! How great was their attachment to him! What a multitude of friends had he of every order of the people! These

things, which had been built up by long time and much labor, one single hour deprived him of. Publius Sylla, O judges, received a terrible and a mortal wound; but still it was an injury of such a sort as his way of life and his natural disposition might seem liable to be exposed to. He was judged to have too great a desire for honor and dignity. If no one else was supposed to have such desires in standing for the consulship, then he was judged to be more covetous than the rest. But if this desire for the consulship has existed in some other men also, then, perhaps, fortune was a little more unfavorable to him than to others. But, after this misfortune, who ever saw Publius Sylla otherwise than grieving, dejected, and out of spirits? Who ever suspected that he was avoiding the sight of men and the light of day, out of hatred, and not rather out of shame? For, though he had many temptations to frequent this city and the forum, by reason of the great attachment of his friends to him—the only consolation which remained to him in his misfortunes—still he kept out of your sight; and though he might have remained here, as far as the law went, he almost condemned himself to banishment.

In such modest conduct as this, O judges, and in such a life as this, will you believe that there was any room left for such enormous wickedness? Look at the man himself; behold his countenance. Compare the accusation with his course of life. Compare his life, which has been laid open before you from his birth up to this day, with this accusation. I say nothing of the republic, to which Sylla has always been most devoted. Did he wish these friends of his, being such men as they are, so attached to him, by whom his prosperity had been formerly adorned, by whom his adversity is now comforted and relieved, to perish miserably, in order that he himself might be at liberty to pass a most miserable and infamous existence in company with Lentulus, and Catiline, and Cethegus, with no other prospect for the future but a disgraceful death? That suspicion is not consistent —it is, I say, utterly at variance with such habits, with such modesty, with such a life as his, with the man himself. That sprang up, a perfectly unexampled sort of barbarity; it was an incredible and amazing insanity. The foulness of that unheard-of wickedness broke out on a sudden, taking its rise from the countless vices of profligate men accumulated ever since their youth.

Think not, O judges, that that violence and that attempt was the work of human beings; for no nation ever was so barbarous or so savage, as to have (I will not say so many, but even) one implacable enemy to his country. They were some savage and ferocious beasts, born of monsters, and clothed in human form. Look again and again, O judges; for there is nothing too violent to be said in such a cause as this. Look deeply and thoroughly into the minds of Catiline, Autronius, Cethegus, Lentulus, and the rest. What lusts you will find in these men, what crimes, what baseness, what audacity, what incredible insanity, what marks of wickedness, what traces of parricide, what heaps of enormous guilt! Out of the great diseases of the republic, diseases of long standing, which had been given over as hopeless, suddenly that violence broke out; in such a way, that when it was put down and got rid of, the state might again be able to become convalescent and to be cured; for there is no one who thinks that if those pests remained in the republic, the constitution could continue to exist any longer. Therefore they were some Furies who urged them on, not to complete their wickedness, but to atone to the republic for their guilt by their punishment.

Will you then, O judges, now turn back Publius Sylla into this band of rascals, out of that band of honorable men who are living and have lived as his associates? Will you transfer him from this body of citizens, and from the familiar dignity in which he lives with them, to the party of impious men, to that crew and company of parricides? What then will become of that most impregnable defence of modesty? in what respect will the purity of our past lives be of any use to us? For what time is the reward of the character which a man has gained to be reserved, if it is to desert him at his utmost need, and when he is engaged in a contest in which all his fortunes are at stake—if it is not to stand by him and help him at such a crisis as this? Our prosecutor threatens us with the examinations and torture of our slaves; and though we do not suspect that any danger can arise to us from them, yet pain reigns in those tortures; much depends on the nature of everyone's mind, and the fortitude of a person's body. The inquisitor manages everything; caprice regulates much, hope corrupts them, fear disables them, so that, in the straits in which they are placed, there is but little room left for truth.

Is the life of Publius Sylla, then, to be put to the torture? is it to be examined to see what lust is concealed beneath it? whether any crime is lurking under it, or any cruelty, or any audacity? There will be no mistake in our cause, O judges, no obscurity, if the voice of his whole life, which ought to be of the very greatest weight, is listened to by you. In this cause we fear no witness; we feel sure that no one knows, or has ever seen, or has ever heard anything against us. But still, if the consideration of the fortune of Publius Sylla has no effect on you, O judges, let a regard for your own fortune weigh with you. For this is of the greatest importance to you who have lived in the greatest elegance and safety, that the causes of honorable men should not be judged of according to the caprice, or enmity, or worthlessness of the witnesses; but that in important investigations and sudden dangers, the life of every man should be the most credible witness. And do not you, O judges, abandon and expose it, stripped of its arms, and defenceless, to envy and suspicion. Fortify the common citadel of all good men, block up the ways of escape resorted to by the wicked. Let that witness be of the greatest weight in procuring either safety or punishment for a man, which is the only one that, from its own intrinsic nature, can with ease be thoroughly examined, and which cannot be suddenly altered and remodelled.

What? Shall this authority (for I must continually speak of that, though I will speak of it with timidity and moderation)—shall, I say, this authority of mine, when I have kept aloof from the cause of everyone else accused of this conspiracy, and have defended Sylla alone, be of no service to my client? This is perhaps a bold thing to say, O judges; a bold thing, if we are asking for anything; a bold thing, if, when everyone else is silent about us, we will not be silent ourselves. But if we are attacked, if we are accused, if we are sought to be rendered unpopular, then surely, O judges, you will allow us to retain our liberty, even if we cannot quite retain all our dignity. All the men of consular rank are accused at one swoop; so that the name of the most honorable office in the state appears now to carry with it more unpopularity than dignity. "They stood by Catiline," says he, "and praised him." At that time there was no conspiracy known of or discovered. They were defending a friend. They were giving their suppliant the

countenance of their presence. They did not think the moment of his most imminent danger a fit time to reproach him with the infamy of his life. Moreover, even your own father, O Torquatus, when consul, was the advocate of Catiline when he was prosecuted on a charge of extortion; he knew he was a bad man, but he was a suppliant; perhaps he was an audacious man, but he had once been his friend. And, as he stood by him after information of that first conspiracy had been laid before him, he showed that he had heard something about him, but that he had not believed it. "But he did not countenance him by his presence at the other trial, when the rest did." If he himself had afterward learned something of which he had been ignorant when consul, still we must pardon those men who had heard nothing since that time. But if the first accusation had weight, it ought not to have had more weight when it was old than when it was fresh. But if your parent, even when he was not without suspicion of danger to himself, was still induced by pity to do honor to the defence of a most worthless man by his curule chair, by his own private dignity, and by that of his office as consul, then what reason is there for reproaching the men of consular rank who gave Catiline the countenance of their presence? "But the same men did not countenance those who were tried for their accession to this conspiracy before Sylla." Certainly not; they resolved that no aid, no assistance, no support ought to be given by them to men implicated in such wickedness. And that I may speak for a moment of their constancy and attachment to the republic, whose silent virtue and loyalty bears witness in behalf of every one of them, and needs no ornaments of language from anyone—can anyone say that any time there were men of consular rank more virtuous, more fearless, or more firm, than those who lived in these critical and perilous times, in which the republic was nearly overwhelmed? Who of them did not, with the greatest openness, and bravery, and earnestness, give his whole thoughts to the common safety? Nor need I confine what I say to the men of consular rank. For this credit is due to all those accomplished men who have been prætors, and indeed to the whole Senate in common; so that it is plain that never, in the memory of man, was there more virtue in that order, greater attachment to the republic, or more consummate

wisdom. But because the men of consular rank were especially mentioned, I thought I ought to say thus much in their behalf; and that that would be enough, as the recollection of all men would join me in bearing witness, that there was not one man of that rank who did not labor with all his virtue, and energy, and influence, to preserve the republic.

But what comes next? Do I, who never praised Catiline, who never as consul countenanced Catiline when he was on his trial, who have given evidence respecting the conspiracy against others—do I seem to you so far removed from sanity, so forgetful of my own consistency, so forgetful of all the exploits which I have performed, as, though as consul I waged war against the conspirators, now to wish to preserve their leader, and to bring my mind now to defend the cause and the life of that same man whose weapon I lately blunted, and whose flames I have but just extinguished? If, O judges, the republic itself, which has been preserved by my labors and dangers, did not by its dignity recall me to wisdom and consistency, still it is an instinct implanted by nature, to hate forever the man whom you have once feared, with whom you have contended for life and fortune, and from whose plots you have escaped. But when my chief honors and the great glory of all my exploits are at stake; when, as often as anyone is convicted of any participation in this wickedness, the recollection of the safety of the city having been secured by me is renewed, shall I be so mad as to allow those things which I did in behalf of the common safety to appear now to have been done by me more by chance and by good fortune than by virtue and wisdom? "What, then, do you mean? Do you," someone will say, perhaps, " claim that a man shall be judged innocent, just because you have defended him? " But I, O judges, not only claim nothing for myself to which anyone can object, but I even give up and abandon pretensions which are granted and allowed me by everyone. I am not living in such a republic—I have not exposed my life to all sorts of dangers for the sake of my country at such a time—they whom I have defeated are not so utterly extinct—nor are those whom I have preserved so grateful, that I should think it safe to attempt to assume more than all my enemies and enviers may endure. It would appear an offensive thing for him who investigated the conspiracy, who laid it open, who crushed it, whom the Senate

thanked in unprecedented language, to whom the Senate decreed a supplication, which they had never decreed to anyone before for civil services, to say in a court of justice, "I would not have defended him if he had ben a conspirator." I do not say that, because it might be offensive; I say this, which in these trials relating to the conspiracy I may claim a right to say, speaking not with authority but with modesty, "I who investigated and chastised that conspiracy would certainly not defend Sylla, if I thought that he had been a conspirator." I, O judges, say this, which I said at the beginning, that when I was making a thorough inquiry into those great dangers which were threatening everybody, when I was hearing many things, not believing everything, but guarding against everything, not one word was said to me by anyone who gave information, nor did anyone hint any suspicion, nor was there the slightest mention in anyone's letters, of Publius Sylla.

Wherefore I call you, O gods of my country and of my household, to witness—you who preside over this city and this empire—you who have preserved this empire, and these our liberties, and the Roman people—you who by your divine assistance protected these houses and temples when I was consul—that I, with a free and honest heart, am defending the cause of Publius Sylla; that no crime has been concealed by me knowingly, that no wickedness undertaken against the general safety has been kept back or defended by me. I, when consul, found out nothing about this man, I suspected nothing, I heard of nothing. Therefore I, the same person who have seemed to be vehement against some men, inexorable toward the rest of the conspirators (I paid my country what I owed her; what I am now doing is due to my own invariable habits and natural disposition), am as merciful, O judges, as you yourselves. I am as gentle as the most soft-hearted among you. As far as I was vehement in union with you, I did nothing except what I was compelled to do: I came to the assistance of the republic when in great danger; I raised my sinking country; influenced by pity for the whole body of citizens, we were then as severe as was necessary. The safety of all men would have been lost forever in one night, if that severity had not been exercised; but as I was led on to the punishment of wicked men by my attachment to the republic, so now I am led to secure the safety of the innocent by my own inclination.

I see, O judges, that in this Publius Sylla there is nothing worthy of hatred, and many circumstances deserving our pity. For he does not now, O judges, flee to you as a suppliant for the sake of warding off calamity from himself, but to prevent his whole family and name from being branded with the stigma of nefarious baseness. For as for himself, even if he be acquitted by your decision, what honors has he, what comforts has he for the rest of his life, in which he can find delight or enjoyment? His house, I suppose, will be adorned; the images of his ancestors will be displayed; he himself will resume his ornaments and his usual dress. All these things, O judges, are lost to him; all the insignia and ornaments of his family, and his name, and his honor, were lost by the calamity of that one decision. But he is anxious not to be called the destroyer, the betrayer, the enemy of his country; he is fearful of leaving such disgrace to a family of such renown; he is anxious that this unhappy child may not be called the son of a conspirator, a criminal, and a traitor. He fears for this boy, who is much dearer to him than his own life, anxious, though he cannot leave him the undiminished inheritance of his honors, at all events not to leave him the undying recollection of his infamy. This little child entreats you, O judges, to allow him occasionally to congratulate his father, if not with his fortunes unimpaired, at least to congratulate him in his affliction. The roads to the courts of justice and to the forum are better known to that unhappy boy than the roads to his play-ground or to his school. I am contending now, O judges, not for the life of Publius Sylla, but for his burial. His life was taken from him at the former trial; we are now striving to prevent his body from being cast out. For what has he left which need detain him in this life? or what is there to make anyone think such an existence life at all?

Lately Publius Sylla was a man of such consideration in the state that no one thought himself superior to him either in honor, or in influence, or in good fortune. Now, stripped of all his dignity, he does not seek to recover what has been taken away from him; but he does entreat you, O judges, not to take from him the little which fortune has left him in his disasters—namely, the permission to bewail his calamities in company with his parent, with his children, with his brother, and with his

friends. It would be becoming for even you yourself, O Torquatus, to be by this time satisfied with the miseries of my client. Although you had taken nothing from Sylla except the consulship, yet you ought to be content with that. For it was a contest for honor, and not enmity, which originally induced you to take up this cause. But now that, together with his honor, everything else has been taken from him—now that he is desolate, crushed by this miserable and grievous fortune, what is there which you can wish for more? Do you wish to deprive him of the enjoyment of the light of day, full as it is to him of tears and grief, in which he now lives amid the greatest grief and torment? He would gladly give it up, if you would release him from the foul imputation of this most odious crime. Do you seek to banish him as an enemy, when, if you were really hard-hearted, you would derive greater enjoyment from seeing his miseries than from hearing of them? Oh, wretched and unhappy was that day on which Publius Sylla was declared consul by all the centuries! O how false were the hopes! how fleeting the good fortune! how blind the desire! how unreasonable the congratulations! How soon was all that scene changed from joy and pleasure to mourning and tears, when he, who but a short time before had been consul elect, had on a sudden no trace left of his previous dignity. For what evil was there which seemed then to be wanting to him when he was thus stripped of honor, and fame, and fortune? or what room could there be left for any new calamity? The same fortune continues to pursue him which followed him from the first; she finds a new source of grief for him; she will not allow an unfortunate man to perish when he has been afflicted in only one way, and by only one disaster.

But now, O judges, I am hindered by my own grief of mind from saying any more about the misery of my client. That consideration belongs to you, O judges. I rest the whole cause on your mercy and your humanity. You, after a rejection of several judges, of which we had no suspicion, have sat as judges suddenly appointed to hear our cause, having been chosen by our accusers from their hopes of your severity, but having been also given to us by fortune as the protectors of our innocence. As I have been anxious as to what the Roman people thought of me, because I had been severe toward wicked

men, and so have undertaken the first defence of an innocent man that was offered to me, so do you also mitigate that severity of the courts of justice which has been exerted now for some months against the most audacious of men, by your lenity and mercy. The cause itself ought to obtain this from you; and besides, it is due to your virtue and courage to show that you are not the man to whom it is most advisable for an accuser to apply after having rejected other judges. And in leaving the matter to your decision, O judges, I exhort you, with all the earnestness that my affection for you warrants me in using, so to act that we, by our common zeal (since we are united in the service of the republic), and you, by your humanity and mercy, may repel from us both the false charge of cruelty.

SPEECH
IN DEFENCE OF
AULUS LICINIUS ARCHIAS

THE ARGUMENT

Archias was a Greek poet, a native of Antioch, who came to Rome in the train of Lucullus, when Cicero was a child. He assumed the names of Aulus and Licinius, the last out of compliment to the Luculli, and Cicero had been for some time a pupil of his, and had retained a great regard for him. A man of the name of Gracchus now prosecuted him as a false pretender to the rights of a Roman citizen, according to the provisions of the Lex Papiria. But Cicero contends that he is justified by that very law, for Archias before coming to Rome had stayed at Heraclea, a confederate city, and had been enrolled as a Heraclean citizen; and in the Lex Papiria it was expressly provided that those who were on the register of any confederate city as its citizens, if they were residing in Italy at the time the law was passed, and if they made a return of themselves to the prætor within sixty days, were to be exempt from its operation. However, the greatest part of this oration is occupied, not in legal arguments, but in a panegyric on Archias, who is believed to have died soon afterwards; and he must have been a very old man at the time that it was spoken, as it was nearly forty years previously that he had first come to Rome.

SPEECH
IN DEFENCE OF AULUS LICINIUS ARCHIAS

IF there be any natural ability in me, O judges—and I know how slight that is; or if I have any practice as a speaker—and in that line I do not deny that I have some experience; or if I have any method in my oratory, drawn from my study of the liberal sciences, and from that careful training to which I admit that at no part of my life have I ever been disinclined; certainly, of all those qualities, this Aulus Licinius is entitled to be among the first to claim the benefit from me as his peculiar right. For as far as ever my mind can look back upon the space of time that is past, and recall the memory of its earliest youth, tracing my life from that starting-point, I see that Archias was the principal cause of my undertaking, and the principal means of my mastering, those studies. And if this voice of mine, formed by his encouragement and his precepts, has at times been the instrument of safety to others, undoubtedly we ought, as far as lies in our power, to help and save the very man from whom we have received that gift which has enabled us to bring help to many and salvation to some. And lest anyone should, perchance, marvel at this being said by me, as the chief of his ability consists in something else, and not in this system and practice of eloquence, he must be told that even we ourselves have never been wholly devoted to this study. In truth, all the arts which concern the civilizing and humanizing of men, have some link which binds them together, and are, as it were, cemented by some relationship to one another.

And, that it may not appear marvellous to any one of you, that I, in a formal proceeding like this, and in a regular court of justice, when an action is being tried before a prætor of the Roman people, a most eminent man, and before most impartial judges, before such an assembly and multitude of people as I see around

me, employ this style of speaking, which is at variance, not only with the ordinary usages of courts of justice, but with the general style of forensic pleading; I entreat you in this cause to grant me this indulgence, suitable to this defendant, and as I trust not disagreeable to you—the indulgence, namely, of allowing me, when speaking in defence of a most sublime poet and most learned man, before this concourse of highly educated citizens, before this most polite and accomplished assembly, and before such a prætor as him who is presiding at this trial, to enlarge with a little more freedom than usual on the study of polite literature and refined arts, and, speaking in the character of such a man as that, who, owing to the tranquillity of his life and the studies to which he has devoted himself, has but little experience of the dangers of a court of justice, to employ a new and unusual style of oratory. And if I feel that that indulgence is given and allowed me by you, I will soon cause you to think that this Aulus Licinius is a man who not only, now that he is a citizen, does not deserve to be expunged from the list of citizens, but that he is worthy, even if he were not one, of being now made a citizen.

For when first Archias grew out of childhood, and out of the studies of those arts by which young boys are gradually trained and refined, he devoted himself to the study of writing. First of all at Antioch (for he was born there, and was of high rank there), formerly an illustrious and wealthy city, and the seat of learned men and of liberal sciences; and there it was his lot speedily to show himself superior to all in ability and credit. Afterward, in the other parts of Asia, and over all Greece, his arrival was so talked of wherever he came, that the anxiety with which he was expected was even greater than the fame of his genius; but the admiration which he excited when he had arrived, exceeded even the anxiety with which he was expected. Italy was at that time full of Greek science and of Greek systems, and these studies were at that time cultivated in Latium with greater zeal than they now are in the same towns; and here, too, at Rome, on account of the tranquil state of the republic at that time, they were far from neglected. Therefore, the people of Tarentum, and Rhegium, and Neapolis, presented him with the freedom of the city and with other gifts; and all men who were capable of judging of genius thought him deserving of their ac-

quaintance and hospitality. When, from this great celebrity of his, he had become known to us though absent, he came to Rome, in the consulship of Marius and Catulus. It was his lot to have those men as his first consuls, the one of whom could supply him with the most illustrious achievements to write about, the other could give him, not only exploits to celebrate, but his ears and judicious attention. Immediately the Luculli, though Archias was as yet but a youth,[1] received him in their house. But it was not only to his genius and his learning, but also to his natural disposition and virtue, that it must be attributed that the house which was the first to be opened to him in his youth, is also the one in which he lives most familiarly in his old age. He at that time gained the affection of Quintus Metellus, that great man who was the conqueror of Numidia, and his son Pius. He was eagerly listened to by Marcus Æmilius; he associated with Quintus Catulus—both with the father and the sons. It was highly respected by Lucius Crassus; and as for the Luculli, and Drusus, and the Octavii, and Cato, and the whole family of the Hortensii, he was on terms of the greatest possible intimacy with all of them, and was held by them in the greatest honor. For, not only did everyone cultivate his acquaintance who wished to learn or to hear anything, but even everyone who pretended to have such a desire.

In the mean time, after a sufficiently long interval, having gone with Lucius Lucullus into Sicily, and having afterward departed from that province in the company of the same Lucullus, he came to Heraclea. And as that city was one which enjoyed all the rights of a confederate city to their full extent, he became desirous of being enrolled as a citizen of it. And, being thought deserving of such a favor for his own sake, when aided by the influence and authority of Lucullus, he easily obtained

[1] The Latin is prætextatus. Before he had exchanged the prætexta for the toga virilis. It has generally been thought that the age at which this exchange was made was seventeen, but Professor Long, the highest possible authority on all subjects of Latin literature, and especially on Roman law, says (Smith, Dictionary of Antiquities, v. Impubes), "The toga virilis was assumed at the Liberalia in the month of March; and though no age appears to have been positively fixed for the ceremony, it probably took place, as a general rule, on the feast which next followed the completion of the fourteenth year, though it is certain that the completion of the fourteenth year was not always the time observed." Even supposing Archias to have been seventeen, it appears rather an early age for him to have established such a reputation as Cicero speaks of, and perhaps, as not being at that time a Roman citizen, he probably did not wear the prætexta at all; the expression is not to be taken literally, but we are merely to understand generally that he was quite a young man.

it from the Heracleans. The freedom of the city was given him in accordance with the provisions of the law of Silvanus and Carbo: "If any men had been enrolled as citizens of the confederate cities, and if, at the time that the law was passed, they had a residence in Italy, and if within sixty days they had made a return of themselves to the prætor." As he had now had a residence at Rome for many years, he returned himself as a citizen to the prætor, Quintus Metellus, his most intimate friend. If we have nothing else to speak about except the rights of citizenship and the law, I need say no more. The cause is over. For which of all these statements, O Gratius, can be invalidated? Will you deny that he was enrolled, at the time I speak of, as a citizen of Heraclea? There is a man present of the very highest authority, a most scrupulous and truthful man, Lucius Lucullus, who will tell you not that he thinks it, but that he knows it; not that he has heard of it, but that he saw it; not even that he was present when it was done, but that he actually did it himself. Deputies from Heraclea are present, men of the highest rank; they have come expressly on account of this trial, with a commission from their city, and to give evidence on the part of their city; and they say that he was enrolled as a Heraclean. On this you ask for the public registers of the Heracleans, which we all know were destroyed in the Italian war, when the register-office was burned. It is ridiculous to say nothing to the proofs which we have, but to ask for proofs which it is impossible for us to have; to disregard the recollection of men, and to appeal to the memory of documents; and when you have the conscientious evidence of a most honorable man, the oath and good faith of a most respectable municipality, to reject those things which cannot by any possibility be tampered with, and to demand documentary evidence, though you say at the same moment that that is constantly played tricks with. "But he had no residence at Rome." What, not he who for so many years before the freedom of the city was given to him, had established the abode of all his property and fortunes at Rome? "But he did not return himself." Indeed he did, and in that return which alone obtains with the college of prætors the authority of a public document.

For as the returns of Appius were said to have been kept carelessly, and as the trifling conduct of Gabinius, before he was

convicted, and his misfortune after his condemnation, had taken away all credit from the public registers, Metellus, the most scrupulous and moderate of all men, was so careful, that he came to Lucius Lentulus, the prætor, and to the judges, and said that he was greatly vexed at an erasure which appeared in one name. In these documents, therefore, you will see no erasure affecting the name of Aulus Licinius. And as this is the case, what reason have you for doubting about his citizenship, especially as he was enrolled as a citizen of other cities also? In truth, as men in Greece were in the habit of giving rights of citizenship to many men of very ordinary qualifications, and endowed with no talents at all, or with very moderate ones, without any payment, it is likely, I suppose, that the Rhegians, and Locrians, and Neapolitans, and Tarentines should have been unwilling to give to this man, enjoying the highest possible reputation for genius, what they were in the habit of giving even to theatrical artists. What, when other men, who not only after the freedom of the city had been given, but even after the passing of the Papian law, crept somehow or other into the registers of those municipalities, shall he be rejected who does not avail himself of those other lists in which he is enrolled, because he always wished to be considered a Heraclean? You demand to see our own censor's returns. I suppose no one knows that at the time of the last census he was with that most illustrious general, Lucius Lucullus, with the army; that at the time of the preceding one he was with the same man when he was in Asia as quæstor; and that in the census before that, when Julius and Crassus were censors, no regular account of the people was taken. But, since the census does not confirm the right of citizenship, but only indicates that he, who is returned in the census, did at that time claim to be considered as a citizen, I say that, at that time, when you say, in your speech for the prosecution, that he did not even himself consider that he had any claim to the privileges of a Roman citizen, he more than once made a will according to our laws, and he entered upon inheritances left him by Roman citizens; and he was made honorable mention of by Lucius Lucullus, both as prætor and as consul, in the archives kept in the treasury.

You must rely wholly on what arguments you can find. For he will never be convicted either by his own opinion of his case, or by that which is formed of it by his friends.

You ask us, O Gratius, why we are so exceedingly attached to this man. Because he supplies us with food whereby our mind is refreshed after this noise in the forum, and with rest for our ears after they have been wearied with bad language. Do you think it possible that we could find a supply for our daily speeches, when discussing such a variety of matters, unless we were to cultivate our minds by the study of literature; or that our minds could bear being kept so constantly on the stretch if we did not relax them by that same study? But I confess that I am devoted to those studies; let others be ashamed of them if they have buried themselves in books without being able to produce anything out of them for the common advantage, or anything which may bear the eyes of men and the light. But why need I be ashamed, who for many years have lived in such a manner as never to allow my own love of tranquillity to deny me to the necessity or advantage of another, or my fondness for pleasure to distract, or even sleep to delay my attention to such claims? Who, then, can reproach me, or who has any right to be angry with me, if I allow myself as much time for the cultivation of these studies as some take for the performance of their own business, or for celebrating days of festival and games, or for other pleasures, or even for the rest and refreshment of mind and body, or as others devote to early banquets, to playing at dice, or at ball? And this ought to be permitted to me, because by these studies my power of speaking and those faculties are improved, which, as far as they do exist in me, have never been denied to my friends when they have been in peril. And if that ability appears to anyone to be but moderate, at all events I know whence I derive those principles which are of the greatest value. For if I had not persuaded myself from my youth upward, both by the precepts of many masters and by much reading, that there is nothing in life greatly to be desired, except praise and honor, and that while pursuing those things all tortures of the body, all dangers of death and banishment are to be considered but of small importance, I should never have exposed myself, in defence of your safety, to such numerous and arduous contests, and to these daily attacks of profligate men. But all books are full of such precepts, and all the sayings of philosophers, and all antiquity is full of precedents teaching the same lesson; but all these

things would lie buried in darkness, if the light of literature and learning were not applied to them. How many images of the bravest men, carefully elaborated, have both the Greek and Latin writers bequeathed to us, not merely for us to look at and gaze upon, but also for our imitation! And I, always keeping them before my eyes as examples for my own public conduct, have endeavored to model my mind and views by continually thinking of those excellent men.

Someone will ask, "What? were those identical great men, whose virtues have been recorded in books, accomplished in all that learning which you are extolling so highly?" It is difficult to assert this of all of them; but still I know what answer I can make to that question: I admit that many men have existed of admirable disposition and virtue, who, without learning, by the almost divine instinct of their own mere nature, have been, of their own accord, as it were, moderate and wise men. I even add this, that very often nature without learning has had more to do with leading men to credit and to virtue, than learning when not assisted by a good natural disposition. And I also contend, that when to an excellent and admirable natural disposition there is added a certain system and training of education, then from that combination arises an extraordinary perfection of character; such as is seen in that godlike man, whom our fathers saw in their time, Africanus; and in Caius Lælius and Lucius Furius, most virtuous and moderate men; and in that most excellent man, the most learned man of his time, Marcus Cato the elder; and all these men, if they had been to derive no assistance from literature in the cultivation and practice of virtue, would never have applied themselves to the study of it. Though, even if there were no such great advantage to be reaped from it, and if it were only pleasure that is sought from these studies, still I imagine you would consider it a most reasonable and liberal employment of the mind; for other occupations are not suited to every time, nor to every age or place; but these studies are the food of youth, the delight of old age; the ornament of prosperity, the refuge and comfort of adversity; a delight at home, and no hinderance abroad; they are companions by night, and in travel, and in the country.

And if we ourselves were not able to arrive at these advantages, nor even taste them with our senses, still we ought to

admire them, even when we saw them in others. Who of us was of so ignorant and brutal a disposition as not lately to be grieved at the death of Roscius? who, though he was an old man when he died, yet, on account of the excellence and beauty of his art, appeared to be one who on every account ought not to have died. Therefore, had he by the gestures of his body gained so much of our affections, and shall we disregard the incredible movements of the mind, and the rapid operations of genius? How often have I seen this man Archias, O judges (for I will take advantage of your kindness, since you listen to me so attentively while speaking in this unusual manner)—how often have I seen him, when he had not written a single word, repeat extempore a great number of admirable verses on the very events which were passing at the moment! How often have I seen him go back, and describe the same thing over again with an entire change of language and ideas! And what he wrote with care and with much thought, that I have seen admired to such a degree, as to equal the credit of even the writings of the ancients. Should not I, then, love this man? should I not admire him? should not I think it my duty to defend him in every possible way? And, indeed, we have constantly heard from men of the greatest eminence and learning, that the study of other sciences was made up of learning, and rules, and regular method; but that a poet was such by the unassisted work of nature, and was moved by the vigor of his own mind, and was inspired, as it were, by some divine wrath. Wherefore rightly does our own great Ennius call poets holy; because they seem to be recommended to us by some especial gift, as it were, and liberality of the gods. Let, then, judges, this name of poet, this name which no barbarians even have ever disregarded, be holy in your eyes, men of cultivated minds as you all are. Rocks and deserts reply to the poet's voice; savage beasts are often moved and arrested by song; and shall we, who have been trained in the pursuit of the most virtuous acts, refuse to be swayed by the voice of poets? The Colophonians say that Homer was their citizen; the Chians claim him as theirs; the Salaminians assert their right to him; but the men of Smyrna loudly assert him to be a citizen of Smyrna, and they have even raised a temple to him in their city. Many other places also fight with one another for the honor of being his birth-place.

They, then, claim a stranger, even after his death, because he was a poet; shall we reject this man while he is alive, a man who by his own inclination and by our laws does actually belong to us? especially when Archias has employed all his genius with the utmost zeal in celebrating the glory and renown of the Roman people? For when a young man, he touched on our wars against the Cimbri, and gained the favor even of Caius Marius himself, a man who was tolerably proof against this sort of study. For there was no one else so disinclined to the muses as not willingly to endure that the praise of his labors should be made immortal by means of verse. They say that the great Themistocles, the greatest man that Athens produced, said, when someone asked him what sound or whose voice he took the greatest delight in hearing, "The voice of that by whom his own exploits were best celebrated." Therefore, the great Marius was also exceedingly attached to Lucius Plotius, because he thought that the achievement which he had performed could be celebrated by his genius. And the whole Mithridatic War, great and difficult as it was, and carried on with so much diversity of fortune by land and sea, has been related at length by him; and the books in which that is sung of, not only make illustrious Lucius Lucullus, that most gallant and celebrated man, but they do honor also to the Roman people. For, while Lucullus was general, the Roman people opened Pontus, though it was defended both by the resources of the king and by the character of the country itself. Under the same general the army of the Roman people, with no very great numbers, routed the countless hosts of the Armenians. It is the glory of the Roman people that, by the wisdom of that same general, the city of the Cyzicenes, most friendly to us, was delivered and preserved from all the attacks of the kind, and from the very jaws, as it were, of the whole war. Ours is the glory which will be forever celebrated, which is derived from the fleet of the enemy which was sunk after its admirals had been slain, and from the marvellous naval battle off Tenedos; those trophies belong to us, those monuments are ours, those triumphs are ours. Therefore I say that the men by whose genius these exploits are celebrated make illustrious at the same time the glory of the Roman people. Our countryman, Ennius, was dear to the elder Africanus; and even on the tomb of the Scipios his

effigy is believed to be visible, carved in the marble. But undoubtedly it is not only the men who are themselves praised who are done honor to by those praises, but the name of the Roman people also is adorned by them. Cato, the ancestor of this Cato, is extolled to the skies. Great honor is paid to the exploits of the Roman people. Lastly, all those great men, the Maximi, the Marcelli, and the Fulvii, are done honor to, not without all of us having also a share in the panegyric.

Therefore our ancestors received the man who was the cause of all this, a man of Rudiæ, into their city as a citizen; and shall we reject from our city a man of Heraclea, a man sought by many cities, and made a citizen of ours by these very laws?

For if anyone thinks that there is a smaller gain of glory derived from Greek verses than from Latin ones, he is greatly mistaken, because Greek poetry is read among all nations, Latin is confined to its own natural limits, which are narrow enough. Wherefore, if those achievements which we have performed are limited only by the bounds of the whole world, we ought to desire that, wherever our vigor and our arms have penetrated, our glory and our fame should likewise extend. Because, as this is always an ample reward for those people whose achievements are the subject of writings, so especially is it the greatest inducement to encounter labors and dangers to all men who fight for themselves for the sake of glory. How many historians of his exploits is Alexander the Great said to have had with him; and he, when standing on Cape Sigeum at the grave of Achilles, said, "O happy youth, to find Homer as the panegyrist of your glory!" And he said the truth; for, if the Iliad had not existed the same tomb which covered his body would have also buried his renown. What, did not our own Magnus, whose valor has been equal to his fortune, present Theophanes the Mitylenæan, a relater of his actions, with the freedom of the city in an assembly of the soldiers? And those brave men, our countrymen, soldiers and country-bred men as they were, still being moved by the sweetness of glory, as if they were to some extent partakers of the same renown, showed their approbation of that action with a great shout. Therefore, I supose if Archias were not a Roman citizen according to the laws, he could not have contrived to get presented with the freedom of the city by some general! Sylla, when he was giving it to the Spaniards and Gauls, would, I sup-

pose, have refused him if he had asked for it! a man whom we ourselves saw in the public assembly, when a bad poet of the common people had put a book in his hand, because he had made an epigram on him with every other verse too long, immediately ordered some of the things which he was selling at the moment to be given him as a reward, on condition of not writing anything more about him for the future. Would not he who thought the industry of a bad poet still worthy of some reward, have sought out the genius, and excellence, and copiousness in writing of this man? What more need I say? Could he not have obtained the freedom of the city from Quintus Metellus Pius, his own most intimate friend, who gave it to many men, either by his own request, or by the intervention of the Luculli? especially when Metellus was so anxious to have his own deeds celebrated in writing, that he gave his attention willingly to poets born even at Cordova, whose poetry had a very heavy and foreign flavor.

For this should not be concealed, which cannot possibly be kept in the dark, but it might be avowed openly: we are all influenced by a desire of praise, and the best men are the most especially attracted by glory. Those very philosophers even in the books which they write about despising glory, put their own names on the title-page. In the very act of recording their contempt for renown and notoriety, they desire to have their own names known and talked of. Decimus Brutus, that most excellent citizen and consummate general, adorned the approaches to his temples and monuments with the verses of Attius. And lately that great man Fulvius, who fought with the Ætolians, having Ennius for his companion, did not hesitate to devote the spoils of Mars to the muses. Wherefore, in a city in which generals, almost in arms, have paid respect to the name of poets and to the temples of the muses, these judges in the garb of peace ought not to act in a manner inconsistent with the honor of the muses and the safety of poets.

And that you may do that the more willingly, I will now reveal my own feelings to you, O judges, and I will make a confession to you of my own love of glory—too eager perhaps, but still honorable. For this man has in his verses touched upon and begun the celebration of the deeds which we in our consulship did in union with you, for the safety of this city and empire, and

in defence of the life of the citizens and of the whole republic. And when I had heard his commencement, because it appeared to me to be a great subject and at the same time an agreeable one. I encouraged him to complete his work. For virtue seeks no other reward for its labors and its dangers beyond that of praise and renown; and if that be denied to it, what reason is there, O judges, why in so small and brief a course of life as is allotted to us, we should impose such labors on ourselves? Certainly, if the mind had no anticipations of posterity, and if it were to confine all its thoughts within the same limits as those by which the space of our lives is bounded, it would neither break itself with such severe labors, nor would it be tormented with such cares and sleepless anxiety, nor would it so often have to fight for its very life. At present there is a certain virtue in every good man, which night and day stirs up the mind with the stimulus of glory, and reminds it that all mention of our name will not cease at the same time with our lives, but that our fame will endure to all posterity.

Do we all who are occupied in the affairs of the state, and who are surrounded by such perils and dangers in life, appear to be so narrow-minded, as, though to the last moment of our lives we have never passed one tranquil or easy moment, to think that everything will perish at the same time as ourselves? Ought we not, when many most illustrious men have with great care collected and left behind them statues and images, representations not of their minds but of their bodies, much more to desire to leave behind us a copy of our counsels and of our virtues, wrought and elaborated by the greatest genius? I thought, at the very moment of performing them, that I was scattering and disseminating all the deeds which I was performing, all over the world for the eternal recollection of nations. And whether that delight is to be denied to my soul after death, or whether, as the wisest men have thought, it will affect some portion of my spirit, at all events, I am at present delighted with some such idea and hope.

Preserve, then, O judges, a man of such virtue as that of Archias, which you see testified to you not only by the worth of his friends, but by the length of time during which they have been such to him; and of such genius as you ought to think is his, when you see that it has been sought by most illustrious

men. And his cause is one which is approved of by the benevolence of the law, by the authority of his municipality, by the testimony of Lucullus, and by the documentary evidence of Metellus. And as this is the case, we do entreat you, O judges, if there may be any weight attached, I will not say to human, but even to divine recommendation in such important matters, to receive under your protection that man who has at all times done honor to your generals and to the exploits of the Roman people—who even in these recent perils of our own, and in your domestic dangers, promises to give an eternal testimony of praise in our favor, and who forms one of that band of poets who have at all times and in all nations been considered and called holy, so that he may seem relieved by your humanity, rather than overwhelmed by your severity.

The things which, according to my custom, I have said briefly and simply, O judges, I trust have been approved by all of you. Those things which I have spoken, without regarding the habits of the forum or judicial usage, both concerning the genius of the man and my own zeal in his behalf, I trust have been received by you in good part. That they have been so by him who presides at this trial, I am quite certain.

SPEECH IN DEFENCE OF THE PROPOSED MANILIAN LAW

THE ARGUMENT

In the year B.C. 67, Aulus Gabinius had obtained the passing of a decree by which Pompey was invested for three years with the supreme command over all the Mediterranean, and over all the coasts of that sea, to a distance of four hundred furlongs from the sea. And in this command he had acted with great vigor and with complete success; destroying all the pirates' strongholds, and distributing the men themselves as colonists among the inland towns of Asia Minor and Greece. After this achievement he did not return to Rome, but remained in Asia, making various regulations for the towns which he had conquered.

During this period Lucullus had been prosecuting the war against Mithridates, and proceeding gradually in the reduction of Pontus; he had penetrated also into Mesopotamia, but had subsequently been distressed by seditions in his army, excited by Clodius, his brother-in-law; and these seditions had given fresh courage to Mithridates, who had fallen on Caius Triarius, one of his lieutenants, and routed his army with great slaughter. At the time that Pompey commenced his campaign against the pirates, the consul Marcus Aquillius Glabrio was sent to supersede Lucullus in his command; but he was perfectly incompetent to oppose Mithridates, who seemed likely with such an enemy to recover all the power of which Lucullus had deprived him. So in the year B.C. 66, while Glabrio was still in Bithynia, and Pompey in Asia Minor, Caius Manilius, a tribune of the people, brought forward a proposition, that, in addition to the command which Pompey already possessed, he should be invested with unlimited power in Bithynia, Pontus, and Armenia, for the purpose of conducting the war against Mithridates. The measure was strongly opposed by Catulus and by Hortensius, but it was supported by Cæsar, and by Cicero; and the proposition was carried.

SPEECH IN DEFENCE OF THE PROPOSED MANILIAN LAW

ALTHOUGH, O Romans, your numerous assembly has always seemed to me the most agreeable body that anyone can address, and this place, which is most honorable to plead in, has also seemed always the most distinguished place for delivering an oration in, still I have been prevented from trying this road to glory, which has at all times been entirely open to every virtuous man, not indeed by my own will, but by the system of life which I have adopted from my earliest years. For as hitherto I have not dared, on account of my youth, to intrude upon the authority of this place, and as I considered that no arguments ought to be brought to this place except such as were the fruit of great ability, and worked up with the greatest industry, I have thought it fit to devote all my time to the necessities of my friends. And accordingly, this place has never been unoccupied by men who were defending your cause, and my industry, which has been virtuously and honestly employed about the dangers of private individuals, has received its most honorable reward in your approbation. For when, on account of the adjournment of the comitia, I was three times elected the first prætor by all the centuries, I easily perceived, O Romans, what your opinion of me was, and what conduct you enjoined to others. Now, when there is that authority in me which you, by conferring honors on me, have chosen that there should be, and all that facility in pleading which almost daily practice in speaking can give a vigilant man who has habituated himself to the forum, at all events, if I have any authority, I will employ it before those who have given it to me; and if I can accomplish anything by speaking, I will display it to those men above all others, who have thought fit, by their decision, to confer honors on that qualification. And, above other things, I see that I have

reason to rejoice on this account, that, since I am speaking in this place, to which I am so entirely unaccustomed, I have a cause to advocate in which eloquence can hardly fail anyone; for I have to speak of the eminent and extraordinary virtue of Cnæus Pompey; and it is harder for me to find out how to end a discourse on such a subject, than how to begin one. So that what I have to seek for is not so much a variety of arguments, as moderation is employing them.

And, that my oration may take its origin from the same source from which all this cause is to be maintained; an important war, and one perilous to your revenues and to your allies, is being waged against you by two most powerful kings, Mithridates and Tigranes. One of these having been left to himself, and the other having been attacked, thinks that an opportunity offers itself to him to occupy all Asia. Letters are brought from Asia every day to Roman knights, most honorable men, who have great property at stake, which is all employed in the collection of your revenues; and they, in consequence of the intimate connection which I have with their order, have come to me and intrusted me with the task of pleading the cause of the republic, and warding off danger from their private fortunes. They say that many of the villages of Bithynia, which is at present a province belonging to you, have been burnt; that the kingdom of Ariobarzanes, which borders on those districts from which you derive a revenue, is wholly in the power of the enemy; that Lucullus, after having performed great exploits, is departing from that war; that it is not enough that whoever succeeds him should be prepared for the conduct of so important a war; that one general is demanded and required by all men, both allies and citizens, for that war; that he alone is feared by the enemy, and that no one else is.

You see what the case is; now consider what you ought to do. It seems to me that I ought to speak in the first place of the sort of war that exists; in the second place, of its importance; and lastly, of the selection of a general. The kind of war is such as ought above all others to excite and inflame your minds to a determination to persevere in it. It is a war in which the glory of the Roman people is at stake; that glory which has been handed down to you from your ancestors, great indeed in everything, but most especially in military affairs. The safety of our

friends and allies is at stake, in behalf of which your ancestors have waged many most important wars. The most certain and the largest revenues of the Roman people are at stake; and if they be lost, you will be at a loss for the luxuries of peace, and the sinews of war. The property of many citizens is at stake, which you ought greatly to regard, both for your own sake, and for that of the republic.

And since you have at all times been covetous of glory and greedy of praise beyond all other nations, you have to wipe out that stain, received in the former Mithridatic War, which has now fixed itself deeply and eaten its way into the Roman name, the stain arising from the fact that he, who in one day marked down by one order, and one single letter, all the Roman citizens in all Asia, scattered as they were over so many cities, for slaughter and butchery, has not only never yet suffered any chastisement worthy of his wickedness, but, now, twenty-three years after that time, is still a king, and a king in such a way that he is not content to hide himself in Pontus, or in the recesses of Cappadocia, but he seeks to emerge from his hereditary kingdom, and to range among your revenues, in the broad light of Asia. Indeed up to this time your generals have been contending with the king so as to carry off tokens of victory rather than actual victory. Lucius Sylla has triumphed, Lucius Murena has triumphed over Mithridates, two most gallant men, and most consummate generals; but yet they have triumphed in such a way that he, though routed and defeated, was still king. Not but what praise is to be given to those generals for what they did. Pardon must be conceded to them for what they left undone; because the republic recalled Sylla from that war into Italy, and Sylla recalled Murena.

But Mithridates employed all the time which he had left to him, not in forgetting the old war, but in preparing for a new one; and, after he had built and equipped very large fleets, and had got together mighty armies from every nation he could, and had pretended to be preparing war against the tribes of the Bosphorus, his neighbors, sent ambassadors and letters as far as Spain to those chiefs with whom we were at war at the time, in order that, as you would by that means have war waged against you in the two parts of the world the farthest separated and most remote of all from one another, by two separate enemies warring

against you with one uniform plan, you, hampered by the double enmity, might find that you were fighting for the empire itself. However, the danger on one side, the danger from Sertorius and from Spain, which had much the most solid foundation and the most formidable strength, was warded off by the divine wisdom and extraordinary valor of Cnæus Pompeius. And on the other side of the empire, affairs were so managed by Lucius Lucullus, that most illustrious of men, that the beginning of all those achievements in those countries, great and eminent as they were, deserve to be attributed not to his good fortune but to his valor; but the latter events which have taken place lately, ought to be imputed not to his fault, but to his ill-fortune. However, of Lucullus I will speak hereafter, and I will speak, O Romans, in such a manner, that his true glory shall not appear to be at all disparaged by my pleading, nor, on the other hand, shall any undeserved credit seem to be given to him. At present, when we are speaking of the dignity and glory of your empire, since that is the beginning of my oration, consider what feelings you think you ought to entertain.

Your ancestors have often waged war on account of their merchants and seafaring men having been injuriously treated. What ought to be your feelings when so many thousand Roman citizens have been put to death by one order and at one time? Because their ambassadors had been spoken to with insolence, your ancestors determined that Corinth, the light of all Greece, should be destroyed. Will you allow that king to remain unpunished, who has murdered a lieutenant of the Roman people of consular rank, having tortured him with chains and scourging, and every sort of punishment? They would not allow the freedom of Roman citizens to be diminished; will you be indifferent to their lives being taken? They avenged the privileges of our embassy when they were violated by a word; will you abandon an ambassador who has been put to death with every sort of cruelty? Take care lest, as it was a most glorious thing for them, to leave you such wide renown and such a powerful empire, it should be a most discreditable thing for you, not to be able to defend and preserve that which you have received. What more shall I say? Shall I say, that the safety of our allies is involved in the greatest hazard and danger? King Ariobarzanes has been driven from his kingdom, an ally and friend of

the Roman people; two kings are threatening all Asia, who are not only most hostile to you, but also to your friends and allies. And every city throughout all Asia, and throughout all Greece, is compelled by the magnitude of the danger to put its whole trust in the expectation of your assistance. They do not dare to beg of you any particular general, especially since you have sent them another, nor do they think that they can do this without extreme danger. They see and feel this, the same thing which you too see and feel—that there is one man in whom all qualities are in the highest perfection, and that he is near (which circumstance makes it seem harder to be deprived of him), by whose mere arrival and name, although it was a maritime war for which he came, they are nevertheless aware that the attacks of the enemy were retarded and repressed. They then, since they cannot speak freely, silently entreat you to think them (as you have thought your allies in the other provinces) worthy of having their safety recommended to such a man; and to think them worthy even more than others, because we often send men with absolute authority into such a province as theirs, of such character, that, even if they protect them from the enemy, still their arrival among the cities of the allies is not very different from an invasion of the enemy. They used to hear of him before, now they see him among them; a man of such moderation, such mildness, such humanity, that those seem to be the happiest people among whom he remains for the longest time.

Wherefore, if on account of their allies, though they themselves had not been roused by any injuries, your ancestors waged war against Antiochus, against Philip, against the Ætolians, and against the Carthaginians; with how much earnestness ought you, when you yourselves have been provoked by injurious treatment, to defend the safety of the allies, and at the same time, the dignity of your empire? especially when your greatest revenues are at stake. For the revenues of the other provinces, O Romans, are such that we can scarcely derive enough from them for the protection of the provinces themselves. But Asia is so rich and so productive, that in the fertility of its soil, and in the variety of its fruits, and in the vastness of its pasture lands, and in the multitude of all those things which are matters of exportation. it is greatly superior to all other countries. Therefore, O Romans, this province, if you have any re-

gard for what tends to your advantage in time of war, and to your dignity in time of peace, must be defended by you, not only from all calamity, but from all fear of calamity. For in other matters when calamity comes on one, then damage is sustained; but in the case of revenues, not only the arrival of evil, but the bare dread of it, brings disaster. For when the troops of the enemy are not far off, even though no actual irruption takes place, still the flocks are abandoned, agriculture is relinquished, the sailing of merchants is at an end. And accordingly, neither from harbor dues, nor from tenths, nor from the tax on pasture lands, can any revenue be maintained. And therefore it often happens that the produce of an entire year is lost by one rumor of danger, and by one alarm of war. What do you think ought to be the feelings of those who pay us tribute, or of those who get it in, and exact it, when two kings with very numerous armies are all but on the spot? when one inroad of cavalry may in a very short time carry off the revenue of a whole year? when the publicans think that they retail the large households of slaves which they have in the salt-works, in the fields, in the harbors, and custom-houses, at the greatest risk? Do you think that you can enjoy these advantages unless you preserve those men who are productive to you, free not only, as I said before, from calamity, but even from the dread of calamity?

And even this must not be neglected by you, which I had proposed to myself as the last thing to be mentioned, when I was to speak of the kind of war, for it concerns the property of many Roman citizens; whom you, as becomes your wisdom, O Romans, must regard with the most careful solicitude. The publicans,[1] most honorable and accomplished men, have taken all their resources and all their wealth into that province; and their property and fortunes ought, by themselves, to be an object of your special care. In truth, if we have always considered the revenues as the sinews of the republic, certainly we shall be right if we call that order of men which collects them, the prop and support of all the other orders. In the next place, clever and industrious men, of all the other orders of the state, are some of them actually trading themselves in Asia, and you ought to show a regard for their interests in their absence; and others of them have large sums invested in that province. It

[1] It has been said before that the publicans were taken almost exclusively from the equestrian order.

will, therefore, become your humanity to protect a large number of those citizens from misfortune; it will become your wisdom to perceive that the misfortune of many citizens cannot be separated from the misfortune of the republic. In truth, firstly, it is of but little consequence for you afterward to recover for the publicans revenues which have been once lost; for the same men have not afterward the same power of contracting for them, and others have not the inclination, through fear. In the next place, that which the same Asia, and that same Mithridates taught us, at the beginning of the Asiatic War, that, at all events, we, having learnt by disaster, ought to keep in our recollection. For we know that then, when many had lost large fortunes in Asia, all credit failed at Rome, from payments being hindered. For it is not possible for many men to lose their property and fortunes in one city, without drawing many along with them into the same vortex of disaster. But do you now preserve the republic from this misfortune; and believe me (you yourselves see that it is the case), this credit, and this state of the money-market which exists at Rome and in the forum, is bound up with, and is inseparable from, those fortunes which are invested in Asia. Those fortunes cannot fall without credit here being undermined by the same blow, and perishing along with them. Consider, then, whether you ought to hesitate to apply yourselves with all zeal to that war, in which the glory of your name, the safety of your allies, your greatest revenues, and the fortunes of numbers of your citizens, wil be protected at the same time as the republic.

Since I have spoken of the description of war, I will now say a few words about its magnitude. For this may be said of it—that it is a kind of war so necessary, that it must absolutely be waged, and yet not one of such magnitude as to be formidable. And in this we must take the greatest care that those things do not appear to you contemptible which require to be most diligently guarded against. And that all men may understand that I give Lucius Lucullus all the praise that is due to a gallant man, and most wise [2] man, and to a most consummate general, I say

[2] The Latin is "forti viro, et sapientissimo homini," and this opposition of vir and homo is not uncommon in Cicero's orations. "Homo is nearly synonymous with vir, but with this distinction, that homo is used of a man considered as an intellectual and moral being—namely, where personal qualities are to be denoted; whereas vir signifies a man in his relations to the state."—Riddle, Latin Dictionary, v. Homo.

that when he first arrived in Asia, the forces of Mithridates were most numerous, well appointed, and provided with every requisite; and that the finest city in Asia, and the one, too, that was most friendly to us, the city of Cyzicus, was besieged by the king in person, with an enormous army, and that the siege had been pressed most vigorously, when Lucius Lucullus, by his valor, and perseverance, and wisdom, relieved it from the most extreme danger. I say that he also, when general, defeated and destroyed that great and well-appointed fleet, which the chiefs of Sertorius's party were leading against Italy with furious zeal; I say besides, that by him numerous armies of the enemy were destroyed in several battles, and that Pontus was opened to our legions, which before his time had been closed against the Roman people on every side; and that Sinope and Amisus, towns in which the king had palaces, adorned and furnished with every kind of magnificence, and many other cities of Pontus and Cappadocia, were taken by his mere approach and arrival near them; that the king himself was stripped of the kingdom possessed by his father and his grandfather, and forced to betake himself as a suppliant to other kings and other nations; and that all these great deeds were achieved without any injury to the allies of the Roman people, or any diminution of its revenues. I think that this is praise enough—such praise that you must see, O Romans, that Lucius Lucullus has not been praised as much from this rostrum by any one of these men who are objecting to this law and arguing against our cause.

Perhaps now it will be asked, how, when all this has been already done, there can be any great war left behind. I will explain this, O Romans; for this does not seem an unreasonable question. At first Mithridates fled from his kingdom, as Medea is formerly said to have fled from the same region of Pontus; for they say that she, in her flight, strewed about the limbs of her brother in those places along which her father was likely to pursue her, in order that the collection of them, dispersed as they were, and the grief which would afflict his father, might delay the rapidity of his pursuit. Mithridates, flying in the same manner, left in Pontus the whole of the vast quantity of gold and silver, and of beautiful things which he had inherited from his ancestors, and which he himself had collected and brought into his own kingdom, having obtained them by plunder in the former

war from all Asia. While our men were diligently occupied in collecting all this, the king himself escaped out of their hands. And so grief retarded the father of Medea in his pursuit, but delight delayed our men. In this alarm and flight of his, Tigranes, the king of Armenia, received him, encouraged him while despairing of his fortunes, gave him new spirit in his depression, and recruited with new strength his powerless condition. And after Lucius Lucullus arrived in his kingdom, very many tribes were excited to hostilities against our general. For those nations which the Roman people never had thought either of attacking in war or tampering with, had been inspired with fear. There was, besides, a general opinion which had taken deep root, and had spread over all the barbarian tribes in those districts, that our army had been led into those countries with the object of plundering a very wealthy and most religiously worshipped temple. And so, many powerful nations were roused against us by a fresh dread and alarm. But our army, although it had taken a city of Tigranes's kingdom, and had fought some successful battles, still was out of spirits at its immense distance from Rome, and its separation from its friends. At present I will not say more; for the result of these feelings of theirs was, that they were more anxious for a speedy return home than for any farther advance into the enemies' country. But Mithridates had by this time strengthened his army by re-enforcements of those men belonging to his own dominions who had assembled together, and by large promiscuous forces belonging to many other kings and tribes. And we see that this is almost invariably the case, that kings when in misfortune easily induce many to pity and assist them, especially such as are either kings themselves, or who live under kingly power, because to them the name of king appears something great and sacred. And accordingly he, when conquered, was able to accomplish what, when he was in the full enjoyment of his powers, he never dared even to wish for. For when he had returned to his kingdom, he was not content (though that had happened to him beyond all his hopes) with again setting his foot on that land after he had been expelled from it; but he even volunteered an attack on your army, flushed as it was with glory and victory. Allow me, in this place, O Romans (just as poets do who write of Roman affairs), to pass over our disaster, which was so great that it

came to Lucius Lucullus's ears, not by means of a messenger depatched from the scene of action, but through the report of common conversation. At the very time of this misfortune—of this most terrible disaster in the whole war, Lucius Lucullus, who might have been able, to a great extent, to remedy the calamity, being compelled by your orders, because you thought, according to the old principle of your ancestors, that limits ought to be put to length of command, discharged a part of his soldiers who had served their appointed time, and delivered over part to Glabrio. I pass over many things designedly; but you yourselves can easily conjecture how important you ought to consider that war which most powerful kings are uniting in—which disturbed nations are renewing—which nations, whose strength is unimpaired, are undertaking, and which a new general of yours has to encounter after a veteran army has been defeated.

I appear to have said enough to make you see why this war is in its very nature unavoidable, in its magnitude dangerous. It remains for me to speak of the general who ought to be selected for that war, and appointed to the management of such important affairs.

I wish, O Romans, that you had such an abundance of brave and honest men, that it was a difficult subject for your deliberations, whom you thought most desirable to be appointed to the conduct of such important affairs, and so vast a war. But now, when there is Cnæus Pompeius alone, who has exceeded in valor, not only the glory of these men who are now alive, but even all recollections of antiquity, what is there that, in this case, can raise a doubt in the mind of anyone? For I think that these four qualities are indispensable in a great general—knowledge of military affairs, valor, authority and good fortune. Who, then, ever was, or ought to have been, better acquainted with military affairs than this man? who, the moment that he left school and finished his education as a boy, at a time when there was a most important war going on, and most active enemies were banded against us, went to his father's army and to the discipline of the camp; who, when scarcely out of his boyhood, became a soldier of a consummate general—when entering on manhood, became himself the general of a mighty army; who has been more frequently engaged with the enemy, than anyone

else has ever disputed with an adversary; who has himself, as general conducted more wars than other men have read of; who has subdued more provinces than other men have wished for; whose youth was trained to the knowledge of military affairs, not by the precepts of others, but by commanding himself—not by the disasters of war, but by victories—not by campaigns, but by triumphs. In short, what description of war can there be in which the fortune of the republic has not given him practice? Civil War, African War, Transalpine War, Spanish War, promiscuous war of the most warlike cities and nations, servile war, naval war, every variety and diversity of wars and of enemies, has not only been encountered by this one man, but encountered victoriously; and these exploits show plainly that there is no circumstance in military practice which can elude the knowledge of this man.

But now, what language can be found equal to the valor of Cnæus Pompeius? What statement can anyone make which shall be either worthy of him, or new to you, or unknown to anyone? For those are not the only virtues of a general which are usually thought so—namely, industry in business, fortitude amid dangers, energy in acting, rapidity in executing, wisdom in foreseeing; which all exist in as great perfection in that one man as in all the other generals put together whom we have either seen or heard of. Italy is my witness, which that illustrious conqueror himself, Lucius Sylla, confessed had been delivered by this man's valor and ready assistance. Sicily is my witness, which he released when it was surrounded on all sides by many dangers, not by the dread of his power, but by the promptitude of his wisdom. Africa is my witness, which, having been overwhelmed by numerous armies of enemies, overflowed with the blood of those same enemies. Gaul is my witness, through which a road into Spain was laid open to our legions by the destruction of the Gauls. Spain is my witness, which has repeatedly seen our many enemies there defeated and subdued by this man. Again and again, Italy is my witness, which, when it was weighed down by the disgraceful and perilous servile war, entreated aid from this man, though he was at a distance; and that war, having dwindled down and wasted away at the expectation of Pompeius, was destroyed and buried by his arrival. But now, also every coast, all foreign nations and countries, all seas,

both in their open waters and in every bay, and creek, and harbor, are my witnesses. For during these last years, what place in any part of the sea had so strong a garrison as to be safe from him? what place was so much hidden as to escape his notice? Who ever put to sea without being aware that he was committing himself to the hazard of death or slavery, either from storms or from the sea being crowded with pirates? Who would ever have supposed that a war of such extent, so mean, so old a war, a war so extensive in its theatre and so widely scattered, could have been terminated by all our generals put together in one year, or by one general in all the years of his life? In all these later years what province have you had free from pirates? what revenue has been safe? what ally have you been able to protect? to whom have your fleets been a defence? How many islands do you suppose have been deserted? how many cities of the allies do you think have been either abandoned out of fear of the pirates, or have been taken by them?

But why do I speak of distant events? It was—it was, indeed, formerly—a characteristic of the Roman people to carry on its wars at a distance from home, and to defend by the bulwarks of its power not its own homes, but the fortunes of its allies. Need I say, that the sea has during all these latter years been closed against your allies, when even our own armies never ventured to cross over from Brundusium, except in the depth of winter? Need I complain that men who were coming to you from foreign nations were taken prisoners, when even the ambassadors of the Roman people were forced to be ransomed? Need I say, that the sea was not safe for merchants, when twelve axes[3] came into the power of the pirates? Need I mention, how Cnidus, and Colophon, and Samos, most noble cities, and others too in countless numbers, were taken by them, when you know that your own harbors, and those harbors too from which you derive, as it were, your very life and breath, were in the power of the pirates? Are you ignorant that the harbor of Caieta, that illustrious harbor, when full of ships, was plundered by the pirates under the very eyes of the prætor? and that from Misenum, the children of the very man who had before that waged war against the pirates in that place, were carried off by

[3] The Scholiast says that a consul named Milienus (whose name, however, does not appear in the Fasti) was taken prisoner by the pirates, and sold with his ensigns of office. The axes mean his fasces.

the pirates? For why should I complain of the disaster of Ostia, and of that stain and blot on the republic, when almost under your very eyes, that fleet which was under the command of a Roman consul was taken and destroyed by the pirates? O ye immortal gods! could the incredible and godlike virtue of one man in so short a time bring so much light to the republic, that you who had lately been used to see a fleet of the enemy before the mouth of the Tiber, should now hear that there is not one ship belonging to the pirates within the Pillars of Hercules? And although you have sen with what rapidity these things were done, still that rapidity ought not to be passed over by me in speaking of them. For who ever, even if he were only going for the purpose of transacting business or making profit, contrived in so short a time to visit so many places, and to perform such long journeys, with as great celerity as Cnæus Pompeius has performed his voyage, bearing with him the terrors of war as our general? He, when the weather could hardly be called open for sailing, went to Sicily, explored the coasts of Africa; from thence he came with his fleet to Sardinia, and these three great granaries of the republic he fortified with powerful garrisons and fleets; when, leaving Sardinia, he came to Italy, having secured the two Spains and Cisalpine Gaul with garrisons and ships. Having sent vessels also to the coast of Illyricum, and to every part of Achaia and Greece, he also adorned the two seas of Italy with very large fleets, and very sufficient garrisons; and he himself going in person, added all Cilicia to the dominions of the Roman people, on the forty-ninth day after he set out from Brundusium. All the pirates who were anywhere to be found, were either taken prisoners and put to death, or else had surrendered themselves voluntarily to the power and authority of this one man. Also, when the Cretans had sent ambassadors to implore his mercy even into Pamphylia to him, he did not deny them hopes of being allowed to surrender, and he exacted hostages from them. And thus Cnæus Pompeius at the end of winter prepared, at the beginning of spring undertook, and by the middle of summer terminated, this most important war, which had lasted so long, which was scattered in such distant and such various places, and by which every nation and country was incessantly distressed.

This is the godlike and incredible virtue of that general,

What more shall I say? How many and how great are his other exploits which I began to mention a short time back; for we are not only to seek for skill in war in a consummate and perfect general, but there are many other eminent qualities which are the satellites and companions of this virtue. And first of all, how great should be the incorruptibility of generals! How great should be their moderation in everything! how perfect their good faith! How universal should be their affability! how brilliant their genius! how tender their humanity! And let us briefly consider to what extent these qualities exist in Cnæus Pompeius. For they are all of the highest importance, O Romans, but yet they are to be seen and ascertained more by comparison with the conduct of others than by any display which they make of themselves. For how can we rank a man among generals of any class at all, if centurionships [4] are sold, and have been constantly sold in his army? What great or honorable thoughts can we suppose that that man cherishes concerning the republic, who has either distributed the money which was taken from the treasury for the conduct of the war among the magistrates, out of ambition[5] to keep his province, or, out of avarice, has left it behind him at Rome, invested for his own advantage? Your murmurs show, O Romans, that you recognize, in my description, men who have done these things. But I name no one, so that no one can be angry with me, without making confession beforehand of his own malpractices. But who is there who is ignorant what terrible distresses our armies suffer wherever they go, through this covetousness of our generals? Recollect the marches which, during these latter years, our generals have made in Italy, through the lands and towns of the Roman citizens; then you will more easily imagine what is the course pursued among foreign nations. Do you think that of late years more cities of the enemy have been destroyed by the arms of your soldiers, or more cities of your own allies by their winter campaigns? For that general who does not restrain himself can never restrain his army; nor can he be strict in judging others who is unwilling for others to be strict in judging

[4] The Scholiast says that Cicero is here hinting at Glabrio the consul, or at the younger Marius.

[5] Lucullus is supposed to be meant here, as it is said that he had employed large sums in soliciting the votes of influential men, so as to be left in command of the province of Asia, in which he had amassed enormous riches.

him. Do we wonder now that this man should be so far superior to all others, when his legions arrived in Asia in such order that not only no man's hand in so numerous an army, but not even any man's footstep was said to have done the least injury to any peaceful inhabitant? But now we have daily rumors—ay, and letters too—brought to Rome about the way in which the soldiers are behaving in their winter-quarters; not only is no one compelled to spend money on the entertainment of the troops, but he is not permitted to do so, even if he wish. For our ancestors thought fit that the houses of our allies and friends should be a shelter to our soldiers from the winter, not a theatre for the exercise of their avarice.

Come now, consider also what moderation he has displayed in other matters also. How was it, do you suppose, that he was able to display that excessive rapidity, and to perform that incredible voyage? For it was no unexampled number of rowers, no hitherto unknown skill in navigation, no new winds, which bore him so swiftly to the most distant lands; but those circumstances which are wont to delay other men did not delay him. No avarice turned him aside from his intended route in pursuit of some plunder or other; no lust led him away in pursuit of pleasure; no luxury allured him to seek its delights; the illustrious reputation of no city tempted him to make its acquaintance; even labor did not turn him aside rest. Lastly, as for the statues, and pictures, and other embellishments of Greek cities, which other men think worth carrying away, he did not think them worthy even of a visit from him. And, therefore, everyone in those countries looks upon Cnæus Pompeius as someone descended from heaven, not as someone sent out from this city. Now they begin to believe that there really were formerly Romans of the same moderation; which hitherto has seemed to foreign nations a thing incredible, a false and ridiculous tradition. Now the splendor of your dominion is really brilliant in the eyes of those nations. Now they understand that it was not without reason that, when we had magistrates of the same moderation, their ancestors preferred being subjects to the Roman people to being themselves lords of other nations. But now the access of all private individuals to him is so easy, their complaints of the injuries received from others are so little checked, that he who in dignity is superior to the noblest men,

in affability seems to be on a par with the meanest. How great his wisdom is, how great his authority and fluency in speaking—and that too is a quality in which the dignity of a general is greatly concerned—you, O Romans, have often experienced yourselves in this very place. But how great do you think his good faith must have been toward your allies, when the enemies of all nations have placed implicit confidence in it? His humanity is such that it is difficult to say whether the enemy feared his valor more when fighting against him, or loved his mildness more when they had been conquered by him. And will anyone doubt, that this important war ought to be intrusted to him, who seems to have been born by some especial design and favor of the gods for the express purpose of finishing all the wars which have existed in their own recollection?

And since authority has great weight in conducting wars, and in discharging the duties of military command, it certainly is not doubtful to anyone that in that point this same general is especially pre-eminent. And who is ignorant that it is of great importance in the conduct of wars, what opinion the enemy, and what opinion the allies have of your generals, when we know that men are not less influenced in such serious affairs, to despise, or fear, or hate, or love a man by common opinion and common report, than by sure grounds and principles? What name, then, in the whole world has ever been more illustrious than his? whose achievements have ever been equal to his? And, what gives authority in the highest degree, concerning whom have you ever passed such numerous and such honorable resolutions? Do you believe that there is anywhere in the whole world any place so desert that the renown of that day has not reached it, when the whole Roman people, the forum being crowded, and all the adjacent temples from which this place can be seen being completely filled—the whole Roman people, I say, demanded Cnæus Pompeius alone as their general in the war in which the common interests of all nations were at stake? Therefore, not to say more on the subject, nor to confirm what I say by instances of others as to the influence which authority has in war, all our instances of splendid exploits in war must be taken from this same Cnæus Pompeius. The very day that he was appointed by you commander-in-chief of the maritime war, in a moment such a cheapness of provisions ensued (though previ-

ously there had been a great scarcity of corn, and the price had been exceedingly high), owing to the hope conceived of one single man, and his high reputation, as could scarcely have been produced by a most productive harvest after a long period of peace. Now, too, after the disaster which befell us in Pontus, from the result of that battle, of which, sorely against my will, I just now reminded you, when our allies were in a state of alarm, when the power and spirits of our enemies had risen, and the province was in a very insufficient state of defence, you would have entirely lost Asia, O Romans, if the fortune of the Roman people had not, by some divine interposition, brought Cnæus Pompeius at that particular moment into those regions. His arrival both checked Mithridates, elated with his unusual victory, and delayed Tigranes, who was threatening Asia with a formidable army. And can anyone doubt what he will accomplish by his valor, when he did so much by his authority and reputation? or how easily he will preserve our allies and our revenues by his power and his army, when he defended them by the mere terror of his name?

Come, now; what a great proof does this circumstance afford us of the influence of the same man on the enemies of the Roman people, that all of them, living in countries so far distant from us and from each other, surrendered themselves to him alone in so short a time? that the ambassadors of the Cretans, though there was at the time a general[6] and an army of ours in their island, came almost to the end of the world to Cnæus Pompeius, and said, all the cities of the Cretans were willing to surrender themselves to him? What did Mithridates himself do? Did he not send an ambassador into Spain to the same Cnæus Pompeius? a man whom Pompeius has always considered an ambassador, but who that party, to whom it has always been a source of annoyance that he was sent to him particularly, have contended was sent as a spy rather than as an ambassador. You can now, then, O Romans, form an accurate judgment how much weight you must suppose that this authority of his—now, too, that it has been further increased by many subsequent exploits, and by many commendatory resolutions of your own—will have with those kings and among foreign nations.

It remains for me timidly and briefly to speak of his good

[6] Metellus, afterward called Creticus, from his victory over the Cretans.

fortune, a quality which no man ought to boast of in his own case, but which we may remember and commemorate as happening to another, just as a man may extol the power of the gods. For my judgment is this, that very often commands have been conferred upon, and armies have been intrusted to Maximus, Marcellus, to Scipio, to Marius, and to other great generals, not only on account of their valor, but also on account of their good fortune. For there has been, in truth, in the case of some most illustrious men, good fortune added as some contribution of the gods to their honor and glory, and as a means of performing mighty achievements. But concerning the good fortune of this man of whom we are now speaking, I will use so much moderation as not to say that good fortune was actually placed in his power, but I will so speak as to appear to remember what is past, to have good hope of what is to come; so that my speech may, on the one hand, not appear to the immortal gods to be arrogant, nor, on the other hand, to be ungrateful. Accordingly, I do not intend to mention, O Romans, what great exploits he has achieved both at home and in war, by land and by sea, and with what invariable felicity he has achieved them; how, not only the citizens have always consented to his wishes, the allies complied with them, the enemy obeyed them, but how even the winds and weather have seconded them. I will only say this, most briefly: that no one has ever been so impudent as to dare in silence to wish for so many and such great favors as the immortal gods have showered upon Cnæus Pompeius. And that this favor may continue his, and be perpetual, you, O Romans, ought to wish and pray (as, indeed, you do), both for the sake of the common safety and prosperity, and for the sake of the man himself.

Wherefore, as the war is at the same time so necessary that it cannot be neglected, so important that it must be conducted with the greatest care; and since you have it in your power to appoint a general to conduct it, in whom there is the most perfect knowledge of war, the most extraordinary valor, the most splendid personal influence, and the most eminent good fortune, can you hesitate, O Romans, to apply this wonderful advantage which is offered you and given you by the immortal gods, to the preservation and increase of the power of the republic?

But, if Cnæus Pompeius were a private individual at Rome at

this present time, still he would be the man who ought to be selected and sent out to so great a war. But now, when to all all the other exceeding advantages of the appointment, this opportunity is also added—that he is in those very countries already—that he has an army with him—that there is another army there which can at once be made over to him by those who are in command of it—why do we delay? or why do we not, under the guidance of the immortal gods themselves, commit this royal war also to him to whom all the other wars in those parts have been already intrusted to the greatest advantage, to the very safety of the republic?

But, to be sure, that most illustrious man, Quintus Catulus, a man most honestly attached to the republic, and loaded with your kindness in a way most honorable to him; and also Quintus Hortensius, a man endowed with the highest qualities of honor, and fortune, and virtue, and genius, disagree to this proposal. And I admit that their authority has in many instances had the greatest weight with you, and that it ought to have the greatest weight; but in this cause, although you are aware that the opinions of many very brave and illustrious men are unfavorable to us, still it is possible for us, disregarding those authorities, to arrive at the truth by the circumstances of the case and by reason. And so much the more easily, because those very men admit that everything which has been said by me up to this time is true—that the war is necessary, that it is an important war, and that all the requisite qualifications are in the highest perfection in Cnæus Pompeius. What then, does Hortensius say? "That if the whole power must be given to one man, Pompeius alone is most worthy to have it; but that, nevertheless, the power ought not to be intrusted to one individual." That argument, however, has now become obsolete, having been refuted much more by facts than by words. For you, also, Quintus Hortensius, said many things with great force and fluency (as might be expected from your exceeding ability, and eminent facility as an orator) in the Senate against that brave man, Aulus Gabinius, when he had brought forward the law about appointing one commander-in-chief against the pirates; and also from this place where I now stand, you made a long speech against that law. What then? By the immortal gods, if your authority had had greater weight with the Roman people than the safety and real

interests of the Roman people itself, should we have been this day in possession of our present glory, and of the empire of the whole earth? Did this, then, appear to you to be dominion, when it was a common thing for the ambassadors, and prætors, and quæstors of the Roman people to be taken prisoners? when we were cut off from all supplies, both public and private, from all our provinces? when all the seas were so closed against us, that we could neither visit any private estate of our own, nor any public domain beyond the sea?

What city ever was there before this time—I speak not of the city of the Athenians, which is said formerly to have had a sufficiently extensive naval dominion; nor of that of the Carthaginians, who had great power with their fleet and maritime resources; nor of those of the Rhodians, whose naval discipline and naval renown have lasted even to our recollection—but was there ever any city before this time so insignificant, if it was only a small island, as not to be able by its own power to defend its harbors, and its lands, and some part of its country and maritime coast? But, forsooth, for many years before the Gabinian law was passed, the Roman people, whose name, till within our own memory, remained invincible in naval battles, was deprived not only of a great, ay, of much the greatest part of its usefulness, but also of its dignity and dominion. We, whose ancestors conquered with our fleets Antiochus the king, and Perses, and in every naval engagement defeated the Carthaginians, the best practised and best equipped of all men in maritime affairs; we could now in no place prove ourselves equal to the pirates. We, who formerly had not only all Italy in safety, but who were able by the authority of our empire to secure the safety of all our allies in the most distant countries, so that even the island of Delos, situated so far from us in the Ægean Sea, at which all men were in the habit of touching with their merchandise and their freights, full of riches as it was, little and unwalled as it was, still was in no alarm; we, I say, were cut off, not only from our provinces, and from the sea-coast of Italy, and from our harbors, but even from the Appian road; and at this time, the magistrates of the Roman people were not ashamed to come up into this very rostrum where I am standing, which your ancestors had bequeathed to you adorned with nautical trophies, and the spoils of the enemy's fleet.

When you opposed that law, the Roman people, O Quintus Hortensius, thought that you, and the others who held the same opinion with you, delivered your sentiments in a bold and gallant spirit. But still, in a matter affecting the safety of the commonwealth, the Roman people preferred consulting its own feelings of indignation to your authority. Accordingly, one law, one man, and one year, delivered us not only from that misery and disgrace, but also caused us again at length to appear really to be masters of all nations and countries by land and sea. And on this account the endeavor to detract, shall I say from Gabinius, or from Pompeius, or (what would be truer still) from both? appears to me particularly unworthy; being done in order that Aulus Gabinius might not be appointed lieutenant to Cnæus Pompeius, though he requested and begged it. Is he who begs for a particular lieutenant in so important a war unworthy to obtain anyone whom he desires, when all other generals have taken whatever lieutenants they chose, to assist them in pillaging the allies and plundering the provinces? or ought he, by whose law safety and dignity have been given to the Roman people, and to all nations, to be prevented from sharing in the glory of that commander and that army, which exists through his wisdom and was appointed at his risk? Was it allowed to Caius Falcidius, to Quintus Metellus, to Quintus Cælius Laterensis, and to Cnæus Lentulus, all of whom I name to do them honor, to be lieutenants the year after they had been tribunes of the people; and shall men be so exact in the case of Gabinius alone, who, in this war which is carried on under the provisions of the Gabinian law, and in the case of this commander and this army which he himself appointed with your assistance, ought to have the first right of anyone? And concerning whose appointment as lieutenant I hope that the consuls will bring forward a motion in the Senate; and if they hesitate, or are unwilling to do so, I undertake to bring it forward myself; nor, O Romans, shall the hostile edict of anyone deter me from relying on you and defending your privileges and your kindness. Nor will I listen to anything except the interposition of the tribunes; and as to that, those very men who threaten it, will, I apprehend, consider over and over again what they have a right to do. In my own opinion, O Romans, Aulus Gabinius alone has a right to be put by the side of Cnæus Pompeius as a partner of the glory of his

exploits in the maritime war; because the one, with the assistance of your votes, gave to that man alone the task of undertaking that war, and the other, when it was intrusted to him, undertook it and terminated it.

It remains for me to speak of the authority and opinion of Quintus Catulus; who, when he asked of you, if you thus placed all your dependence on Cnæus Pompeius, in whom you would have any hope, if anything were to happen to him, received a splendid reward for his own virtue and worth, when you all, with almost one voice, cried out that you would, in that case, put your trust in him. In truth he is such a man, that no affair can be so important, or so difficult, that he cannot manage it by his wisdom, or defend it by his integrity, or terminate it by his valor. But, in this case, I entirely differ from him; because, the less certain and the less lasting the life of man is, the more ought the republic to avail itself of the life and valor of any admirable man, as long as the immortal gods allow it to do so. But let no innovation be established contrary to the precedents and principles of our ancestors. I will not say, at this moment, that our ancestors in peace always obeyed usage, but in war were always guided by expediency, and always accommodated themselves with new plans to the new emergencies of the times. I will not say that two most important wars, the Punic War and the Spanish War, were put an end to by one general; that two most powerful cities, which threatened the greatest danger to this empire —Carthage and Numantia, were destroyed by the same Scipio. I will not remind you that it was but lately determined by you and by your ancestors, to rest all the hopes of the empire on Caius Marius, so that the same man conducted the war against Jugurtha, and against the Cimbri, and against the Teutones. But recollect, in the case of Cnæus Pompeius himself, with reference to whom Catulus objects to having any new regulations introduced, how many new laws have been made with the most willing consent of Quintus Catulus.

For what can be so unprecedented as for a young man in a private capacity to levy an army at a most critical time of the republic? He levied one. To command it? He did command it. To succeed gloriously in his undertaking? He did succeed. What can be so entirely contrary to usage, as for a

very young man, whose age [7] fell far short of that required for the rank of a senator, to have a command and an army intrusted to him? to have Sicily committed to his care, and Africa, and the war which was to be carried on there? He conducted himself in these provinces with singular blamelessness, dignity, and valor; he terminated a most serious war in Africa, and brought away his army victorious. But what was ever so unheard-of as for a Roman knight to have a triumph? But even that circumstance the Roman people not only saw, but they thought that it deserved to be thronged to and honored with all possible zeal. What was ever so unusual, as, when there were two most gallant and most illustrious consuls, for a Roman knight to be sent as proconsul to a most important and formidable war? He was so sent—on which occasion, indeed, when someone in the Senate said that a private individual ought not to be sent as proconsul, Lucius Philippus is reported to have answered, that if he had his will he should be sent not for one consul, but for both the consuls. Such great hope was entertained that the affairs of the republic would be prosperously managed by him, that the charge which properly belonged to the two consuls was intrusted to the valor of one young man. What was ever so extraordinary as for a man to be released from all laws by a formal resolution of the Senate, and made consul before he was of an age to undertake any other magistracy according to the laws? What could be so incredible, as for a Roman knight to celebrate a second triumph in pursuance of a resolution of the Senate? All the unusual circumstances which in the memory of man have ever happened to all other men put together, are not so many as these which we see have occurred in the history of this one man. And all these instances, numerous, important, and novel as they are, have all occurred in the case of the same man, taking their rise in the authority of Quintus Catulus himself, and by that of other most honorable men of the same rank.

[7] "As regards the age at which a person might become a senator, we have no express statement for the time of the republic, although it appears to have been fixed by some custom or law, as the ætas senatoria is frequently mentioned, especially during the latter period of the republic; but we may by induction discover the probable age. We know that according to the law of the tribune Villius the age fixed for the quæstorship was thirty-one. Now as it might happen that a quæstor was made a senator immediately after the expiration of his office, we may presume that the earliest age at which a man could become a senator was thirty-two. Augustus at last fixed the senatorial age at twenty-five, which appears to have remained unaltered throughout the time of the empire."—Smith, Dictionary of Antiquities, p. 851, v. Senatus.

Wherefore, let them take care that it is not considered a most unjust and intolerable thing, that their authority in matters affecting the dignity of Cnæus Pompeius should hitherto have been constantly approved of by you, but that your judgment, and the authority of the Roman people in the case of the same man, should be disregarded by them. Especially when the Roman people can now, of its own right, defend its own authority with respect to this man against all who dispute it—because, when those very same men objected, you chose him alone of all men to appoint to the management of the war against the pirates. If you did this at random, and had but little regard for the interests of the republic, then they are right to endeavor to guide your party spirit by their wisdom; but if you at that time showed more foresight in the affairs of the state than they did; if you, in spite of their resistance, by yourselves conferred dignity on the empire, safety on the whole world; then at last let those noble men confess that both they and all other men must obey the authority of the universal Roman people. And in this Asiatic and royal war, not only is that military valor required, which exists in a singular degree in Cnæus Pompeius, but many other great virtues of mind are also demanded. It is difficult for your commander-in-chief in Asia, Cilicia, Syria, and all the kingdoms of the inland nations, to behave in such a manner as to think of nothing else but the enemy and glory. Then, even if there be some men moderate and addicted to the practice of modesty and self-government, still, such is the multitude of covetous and licentious men, that no one thinks that these are such men. It is difficult to tell you, O Romans, how great our unpopularity is among foreign nations, on account of the injurious and licentious behavior of those whom we have of late years sent among them with military command. For, in all those countries which are now under our dominion, what temple do you think has had a sufficiently holy reputation, what city has been sufficiently sacred, what private house has been sufficiently closed and fortified, to be safe from them? They seek out wealthy and splendid cities to find pretence for making war on them for the sake of plundering them. I would willingly argue this with those most eminent and illustrious men, Quintus Catulus and Quintus Hortensius; for they know the distresses of the allies, they see their calamities, they hear their complaints.

Do you think that you are sending an army in defence of your allies against their enemies, or rather, under pretence of the existence of enemies, against your allies and friends themselves? What city is there in Asia which can stand the ferocity and arrogance, I will not say of the army, of a commander-in-chief, or of a lieutenant, but of even the brigade of one single military tribune?

So that even if you have anyone who may appear able to cope in terms of advantage with the king's armies, still, unless he be also a man who can keep his hands, and eyes, and desires from the treasures of the allies, from their wives and children, from the ornaments of their temples and cities, from the gold and jewels of the king, he will not be a fit person to be sent to this Asiatic and royal war. Do you think that there is any city there peacefully inclined towards us which is rich? Do you think that there is any rich city there, which will appear to those men to be peacefully inclined towards us? The sea-coast, O Romans, begged for Cnæus Pompeius, not only on account of his renown for military achievements, but also because of the moderation of his disposition. For it saw that it was not the Roman people that was enriched every year by the public money, but only a few individuals, and that we did nothing more by the name of our fleets beyond sustaining losses, and so covering ourselves with additional disgrace. But now, are these men, who think that all these honors and offices are not to be conferred on one person, ignorant with what desires, with what hope of retrieving past losses, and on what conditions, these men go to the provinces? As if Cnæus Pompeius did not appear great in our eyes, not only on account of his own positive virtues, but by a comparison with the vices of others. And, therefore, do not you doubt to intrust everything to him alone, when he has been found to be the only man for many years whom the allies are glad to see come to their cities with an army. And if you think that our side of the argument, O Romans, should be confirmed by authorities, you have the authority of Publius Servilius, a man of the greatest skill in all wars, and in affairs of the greatest importance, who has performed such mighty achievements by land and sea, that, when you are deliberating about war, no one's authority ought to have more weight with you. You have the authority of Caius Curio, a

man who has received great kindnesses from you, who has performed great exploits, who is endued with the highest abilities and wisdom; and of Cnæus Lentulus, in whom all of you know there is (as, indeed, there ought to be, from the ample honors which you have heaped upon him) the most eminent wisdom, and the greatest dignity of character; and of Caius Cassius, a man of extraordinary integrity, and valor, and virtue. Consider, therefore, whether we do not seem by the authority of these men to give a sufficient answer to the speeches of those men who differ from us.

And as this is the case, O Caius Manilius, in the first place, I exceedingly praise and approve of that law of yours, and of your purpose, and of your sentiments. And in the second place, I exhort you, having the approbation of the Roman people, to persevere in those sentiments, and not to fear the violence or threats of anyone. And, first of all, I think you have the requisite courage and perseverance; and, secondly, when we see such a multitude present displaying such zeal in our cause as we now see displayed for the second time, in appointing the same man to the supreme command, how can we doubt in the matter, or question our power of carrying our point? As for me, all the zeal, and wisdom, and industry, and ability of which I am possessed, all the influence which I have through the kindness shown for me by the Roman people, and through my power as prætor, as also, through my reputation for authority, good faith, and virtue, all of it I pledge to you and the Roman people, and devote to the object of carrying this resolution. And I call all the gods to witness, and especially those who preside over this place and temple, who see into the minds of all those who apply themselves to affairs of state, that I am not doing this at the request of anyone, nor because I think to conciliate the favor of Cnæus Pompeius by taking this side, nor in order, through the greatness of anyone else, to seek for myself protection against dangers, or aids in the acquirement of honors; because, as for dangers, we shall easily repel them, as a man ought to do, protected by our own innocence; and as for honors, we shall not gain them by the favor of any men, nor by anything that happens in this place, but by the same laborious course of life which I have hitherto adopted, if your favorable inclination assists me. Wherefore, whatever I have undertaken in this cause, O

Romans, I assure you that I have undertaken wholly for the sake of the republic; and I am so far from thinking that I have gained by it the favor of any influential man, that I know, on the other hand, that I have brought on myself many enmities, some secret, some undisguised, which I never need have incurred, and which yet will not be mischievous to you. But I have considered that I, invested with my present honors, and loaded with so many kindnesses from you, ought to prefer your inclination, and the dignity of the republic, and the safety of our provinces and allies, to all considerations of my own private interest.

CHOICE EXAMPLES OF EARLY PRINTING AND ENGRAVING.

Fac-similes from Rare and Curious Books.

PART OF A PAGE OF CICERO.

The "Offices" of Cicero, which were printed at Mayence by Fust and Schoeffer in 1466, is one of the best known and most highly valued examples of early printing contained in the British Museum. It consists of a quarto volume of twenty-eight leaves, and is the first book in which spacing by means of leads occurs. In this edition of the Roman orator we find the first specimen of Greek typography, the letters not being cast, but cut in wood, and consequently they are very rough and indistinct. At the end of the work is the following quaint imprint in Latin: "The present famous work of Marcus Tullius, I, John Fust, citizen of Mayence, have successfully produced not by ink and quill or brazen pen, but by means of a certain beautiful invention by the hand of my boy Peter." The capital inserted by hand in blue and ruby is a beautiful adjunct to this example, and forms the connecting link between the original manuscript, from which the lettering was doubtless copied, and the mechanical product of the printing-press.

Marci Tulij Ciceronis Arpinatis. ꝯsulisq; romam. ac oratorū maximi. Ad M Tuliū Ciceronem filiū suū. Officiorꝫ liber incipit.

Prefacio generalis in libros omnes.

Quanq̄ te marce fili. annum iam audiētem cratippū. idq; athenis. abundare oportet. p̄ceptis. institutisq; phie. ꝓpt̄ summā ꝛ doctoris aūctatē. et vrbis. quorꝫ alterū te sciētia augere potest. altera exēplis. tamen ut ipe. ad meā vtilitatē semp cū grecis latina ꝯiūxi. neq; id in phia solū. ſ; etiaꝫ in dicēdi exercitatione feci. id tibi censeo faciendū. ut par sis in vtriusq; oīonis facultate. Quā quidē ad rē. nos ut videmur. magnū adiumentū attulimus homibꝫ nr̄is. vt non modo grecarꝫ lr̄arꝫ rudes. ſ; etiam docti. ali-

sede ꝛ statu dimouet. ꝓfecto nil est aliud bene et beate viuere. nisi honeste et recte viuere.

ΟΤΙΚΑΛΟΝ ΤΟΚΑΑ ΟΝΑΤΑΘΟΝ.

In quo virtus sit. ei nichil deesse ad beate viuendum. Nec vero ego M regulū erumnosū. nec infelicem. nec miserū: vnq̄ putaui. Nō enī magnitudo animi eius cruciabatur a poenis. non grauitas. non fides. non ꝯstantia. nō vlla virtus. nō deniq; animus ipe. qui tot virtutū p̄sidio. tantoq; comitatu septus. cū corpus eius capetur. capi certe ipe nō potuit. O vero mariū vidimus. qui michi scdis rebꝫ vnus ex fortunatis hominibꝫ. in aduersis vnus ex fūmis viris videbat̄. quo beatius esse mortali nichil potest. Nescis insane. nescis quātas vires virtus hēat. nomē

SPEECH
IN DEFENCE OF
TITUS ANNIUS MILO

THE ARGUMENT

Titus Annius Milo, often in the following speech called only Titus Annius, stood for the consulship while Clodius was a candidate for the prætorship, and daily quarrels took place in the streets between their armed retainers and gladiators. Milo, who was dictator of Lanuvium, his native place, was forced to go thither to appoint some priests, etc.; and Clodius, who had been to Africa, met him on his road. Milo was in his carriage with his wife, and was accompanied by a numerous retinue, among whom were some gladiators. Clodius was on horseback, with about thirty armed men. The followers of each began to fight, and when the tumult had become general, Clodius was slain, probably by Milo himself. The disturbances at Rome became so formidable that Pompey was created sole consul; and soon after he entered on his office, A.U.C. 702, Milo was brought to trial. This speech, however, though composed by Cicero, was not spoken, for he was so much alarmed by the violence of Clodius's friends, that he did not dare to use the plain language he had proposed. Milo was convicted and banished to Marseilles.

SPEECH
IN DEFENCE OF TITUS ANNIUS MILO

ALTHOUGH I am afraid, O judges, that it is a base thing for one who is beginning to speak for a very brave man to be alarmed, and though it is far from becoming, when Titus Annius Milo himself is more disturbed for the safety of the republic than for his own, that I should not be able to bring to the cause a similar greatness of mind, yet this novel appearance of a new [1] manner of trial alarms my eyes, which, wherever they fall, seek for the former customs of the forum and the ancient practice in trials. For your assembly is not surrounded by a circle of by-standers as usual; we are not attended by our usual company.[2]

For those guards which you behold in front of all the temples, although they are placed there as a protection against violence, yet they bring no aid to the orator; so that even in the forum and in the court of justice itself, although we are protected with all salutary and necessary defences, yet we cannot be entirely without fear. But if I thought this adverse to Milo, I should yield to the times, O judges, and among such a crowd of armed men, I should think there was no room for an orator. But the wisdom of Cnæus Pompeius, a most wise and just man, strengthens and encourages me; who would certainly neither think it suitable to his justice to deliver that man up to the weapons of the soldiery whom he had given over as an accused person to the decision of the judges, nor suitable to his wisdom to arm the rashness of an excited multitude with public authority.

So that those arms, those centurions, those cohorts, do not announce danger to us, but protection; nor do they expect us

[1] This was an extraordinary trial, held under a new law just passed by Pompey; and it was presided over, not by the prætor, but by Lucius Domitius Ahenobarbus, who was expressly appointed by the comitia president of the judges on this occasion.

[2] Pompey was present at the trial, surrounded by his officers, and he had filled the forum and all its precincts with armed men, for the sake of keeping the peace.

only to be calm, but even to be courageous; nor do they promise only assistance to my defense, but also silence. And the rest of the multitude, which consists of citizens, is wholly ours; nor is there any one individual among those whom you see from this place gazing upon us from all sides from which any part of the forum can be seen, and watching the result of this trial, who, while he favors the virtue of Milo, does not think that this day in reality his own interests, those of his children, his country, and his fortunes, are at stake.

There is one class adverse and hostile to us—those whom the madness of Publius Clodius has fed on rapine, on conflagration, and on every sort of public disaster; and who were, even in the assembly held yesterday, exhorted[3] to teach you, by their clamor, what you were to decide. But such shouts, if any reached you, should rather warn you to retain him as a citizen who has always slighted that class of men, and their greatest clamor, in comparison with your safety. Wherefore, be of good courage, O judges, and lay aside your alarm, if indeed you feel any; for if ever you had to decide about good and brave men, and about citizens who had deserved well of their country, if ever an opportunity was given to chosen men of the most honorable ranks to show by their deeds and resolutions that disposition toward brave and good citizens which they had often declared by their looks and by their words, all that power you now have, when you are to determine whether we who have always been wholly devoted to your authority are to be miserable, and to mourn forever, or whether, having been long harassed by the most abandoned citizens, we shall at length be reprieved and set up again by you, your loyalty, your virtue, and your wisdom.

For what, O judges, is more full of labor than we both are, what can be either expressed or imagined more full of anxiety and uneasiness than we are, who being induced to devote ourselves to the republic by the hope of the most honorable rewards, yet cannot be free from the fear of the most cruel punishments? I have always thought indeed that Milo had to encounter the other storms and tempests in these billows of the assemblies because he always espoused the cause of the good against the bad; but in a court of justice, and in that council in which the most

[3] Munatius Plancus, the day before, had exhorted the people not to suffer Milo to escape.

honorable men of all ranks are sitting as judges, I never imagined that Milo's enemies could have any hope of diminishing his glory by the aid of such men, much less of at all injuring his safety.

Although in this cause, O judges, we shall not employ the tribuneship of Titus Annius, and all the exploits which he has performed for the safety of the republic, as topics for our defence against this accusation, unless you see with your own eyes that a plot was laid against Milo by Clodius; and we shall not entreat you to pardon us this one offence in consideration of our many eminent services to the republic, nor shall we demand, if the death of Publius Clodius was your safety, that on that account you should attribute it rather to the virtue of Milo, than to the good fortune of the Roman people; but if his plots are made clearer than the day, then indeed I shall entreat, and shall demand of you, O judges, that, if we have lost everything else, this at least may be left us—namely, the privilege of defending our lives from the audacity and weapons of our enemies with impunity.

But before I come to that part of my speech which especially belongs to this trial, it seems necessary to refute those things which have been often said, both in the Senate by our enemies, and in the assembly of the people by wicked men, and lately, too, by our prosecutors; so that when every cause of alarm is removed, you may be able distinctly to see the matter which is the subject of this trial. They say that that man ought no longer to see the light who confesses that another man has been slain by him. In what city, then, are these most foolish men using this argument? In this one, forsooth, where the first trial for a man's life took place at all was that of Marcus Horatius, a most brave man, who even before the city was free was yet acquitted by the assembly of the Roman people, though he avowed that his sister had been slain by his hand.

Is there anyone who does not know, that when inquiry is made into the slaying of a man, it is usual either altogether to deny that the deed has been done, or else to defend it on the ground that it was rightly and lawfully done? unless, indeed, you think that Publius Africanus was out of his mind, who, when he was asked in a seditious spirit by Caius Carbo, a tribune of the people, what was his opinion of the death of Tiberius Gracchus,

answered that he seemed to have been rightly slain. For neither could Servilius Ahala, that eminent man, nor Publius Nasica, nor Lucius Opimius, nor Caius Marius, nor indeed the Senate itself during my consulship, have been accounted anything but wicked, if it was unlawful for wicked citizens to be put to death. And therefore, O judges, it was not without good reason, that even in legendary fables learned men have handed down the story, that he, who for the sake of avenging his father had killed his mother, when the opinions of men varied, was acquitted not only by the voices of the gods, but even by the very wisest goddess. And if the Twelve Tables have permitted that a nightly robber may be slain anyway, but a robber by day if he defends himself, with a weapon, who is there who can think a man to be punished for slaying another, in whatever way he is slain, when he sees that sometimes a sword to kill a man with is put into our hands by the very laws themselves?

But if there be any occasion on which it is proper to slay a man—and there are many such—surely that occasion is not only a just one, but even a necessary one when violence is offered, and can only be repelled by violence. When a military tribune offered violence to a soldier in the army of Caius Marius, the kinsman of that commander was slain by the man whom he was insulting; for the virtuous youth chose to act, though with danger, rather than to suffer infamously; and his illustrious commander acquitted him of all guilt, and treated him well. But what death can be unjust when inflicted on a secret plotter and robber?

What is the meaning of our retinues, what of our swords? Surely it would never be permitted to us to have them if we might never use them. This, therefore, is a law, O judges, not written, but born with us—which we have not learned, or received by tradition, or read, but which we have taken and sucked in and imbibed from nature herself; a law which we were not taught, but to which we were made—which we were not trained in, but which is ingrained in us—namely, that if our life be in danger from plots, or from open violence, or from the weapons of robbers or enemies, every means of securing our safety is honorable. For laws are silent when arms are raised, and do not expect themselves to be waited for, when he who waits will have to suffer an undeserved penalty before he can exact a merited punishment.

The law very wisely, and in a manner silently, gives a man a right to defend himself, and does not merely forbid a man to be slain, but forbids anyone to have a weapon about him with the object of slaying a man; so that, as the object, and not the weapon itself, is made the subject of the inquiry, the man who had used a weapon with the object of defending himself would be decided not to have had his weapon about him with the object of killing a man. Let, then, this principle be remembered by you in this trial, O judges; for I do not doubt that I shall make good my defence before you, if you only remember—what you cannot forget—that a plotter against one may be lawfully slain.

The next point is one which is often asserted by the enemies of Milo, who say that the Senate has decided that the slaughter by which Publius Clodius fell was contrary to the interests of the republic. But, in fact, the Senate has approved, not merely by their votes, but even zealously. For how often has that cause been pleaded by us in the Senate? with what great assent of the whole body? and that no silent nor concealed assent; for when in a very full Senate were there ever four or five men found who did not espouse Milo's cause? Those lifeless assemblies of this nearly burnt [4] tribune of the people show the fact; assemblies in which he daily used to try and bring my power into unpopularity, by saying that the Senate did not pass its decrees according to what it thought itself, but as I chose.

And if indeed that ought to be called power rather than a moderate influence in a righteous cause on account of great services done to the republic, or some popularity among the good on account of dutiful labors for its sake, let it be called so, as long as we employ it for the safety of the good in opposition to the madness of the wicked.

But this investigation, though it is not an unjust one, yet is not one which the Senate thought ought to be ordered; for there were regular laws and forms of trial for murder, or for assault; nor did the death of Publius Clodius cause the Senate such concern and sorrow that any new process of investigation need have been appointed; for when the Senate had had the power of de-

[4] After Clodius's death, Munatius Plancus, the tribune, exposed his body on the rostrum, and harangued the people against Milo; the populace carried the body into the senate-house, and made a pile of the seats to burn it, in doing which they burnt the Senate-house, and Plancus himself with difficulty escaped.

creeing a trial in the matter of that impious pollution of which he was guilty taken from it, who can believe it thought it necessary to appoint a new form of trial about his death? Why then did the Senate decide that this burning of the senate-house, this siege laid to the house of M. Lepidus, and this very homicide, had taken place contrary to the interest of the republic? Why, because no violence from one citizen to another can ever take place in a free state which is not contrary to the interests of the republic. For the defending of one's self against violence is never a thing to be wished for; but it is sometimes necessary, unless, indeed, one could say that that day on which Tiberius Gracchus was slain, or that day when Caius was, or the day when the arms of Saturnius were put down, even if they ended as the welfare of the republic demanded, were yet no wound and injury to the republic.

Therefore I myself voted, when it was notorious that a homicide had taken place on the Appian road, not that he who had defended himself had acted in a manner contrary to the interests of the republic; but as there was violence and treachery in the business, I reserved the charge for trial, I expressed my disapprobation of the business. And if the Senate had not been hindered by that frantic tribune from executing its wishes, we should not now have this novel trial. For the Senate voted that an extraordinary investigation should take place according to the ancient laws. A division took place, it does not signify on whose motion, for it is not necessary to mention the worthlessness of everyone, and so the rest of the authority of the Senate was destroyed by this corrupt intercession.

"Oh, but Cnæus Pompeius, by his bill, gave his decision both about the fact and about the cause. For he brought in a bill about the homicide which had taken place on the Appian road, in which Publius Clodius was slain." What then did he propose? That an inquiry should be made. What is to be inquired about? Whether it was committed? That is clear. By whom? That is notorious. He saw that a defence as to the law and right could be undertaken, even at the very moment of the confession of the act. But if he had not seen that he who confessed might yet be acquitted, when he saw that we did not confess the fact, he would never have ordered an investigation to

take place, nor would he have given you at this trial the power [5] of acquitting as well as that of condemning. But it seems to me that Cnæus Pompeius not only delivered no decision at all unfavorable to Milo, but that he also pointed out what you ought to turn your attention to in deciding. For he who did not assign a punishment to the confession, but required a defence of it, he clearly thought that what was inquired into was the cause of the death, and not the mere fact of the death. Now he himself shall tell us whether what he did of his own accord was done out of regard for Publius Clodius, or from a compliance with the times.

A most noble man, a bulwark, and in those times, indeed, almost a protector of the Senate, the uncle of this our judge, of that most fearless man Marcus Cato, Marcus Drusus, a tribune of the people, was slain in his own house. The people had never any reference made to them in the matter of his death, no investigation was voted by the Senate. What great grief was there, as we have heard from our forefathers in this city, when that attack was made by night on Publius Africanus, while sleeping in his own house! Who was there then who did not groan, who did not burn with indignation, that men should not have waited even for the natural and inevitable death of that man whom, if possible, all would have wished to be immortal?

Was there, then, any extraordinary investigation into the death of Africanus [6] voted? Certainly none. Why so? Because the crime of murder is not different when eminent men, or when obscure ones are slain. Let there be a difference between the dignity of the lives of the highest and lowest citizens. If their death be wrought by wickedness, that must be avenged by the same laws and punishments in either case; unless, indeed, he be more a parricide who murders a father of consular rank

[5] Literally, "this wholesome letter, as well as that melancholy one." The letter A was the "wholesome" letter, being the initial of absolvo, I acquit; the letter C the melancholy one, being the initial of condemno, I condemn.

[6] After the death of Tiberius Gracchus, Publius Æmilianus Africanus Scipio, the conqueror of Carthage and Numantia, was known to be hostile to the agrarian law, and threw every obstacle in the way of it; his enemies gave out that he intended to abrogate it by force. One morning he was found dead in his bed without a wound. The cause and manner of his death were unknown; some said it was natural; some, that he had slain himself; some, that his wife Sempronia, the sister of Gracchus, had strangled him. His slaves, it was said, declared that some strangers had been introduced into the house at the back, who had strangled him, and the triumvir Carbo is generally believed to have been the chief agent in his murder, and is expressly mentioned as the murderer by Cicero, Ep. ad Q. Fr. ii. 3.

than he who murders one of low degree; or, as if the death of Publius Clodius is to be more criminal because he was slain among the monuments of his ancestors—for this is constantly said by that party; as if, I suppose, that illustrious Appius Cæcus made that road, not that the nation might have a road to use, but that his own posterity might have a place in which to rob with impunity.

Therefore in that same Appian road, when Publius Clodius had slain a most accomplished Roman knight, Marcus Papirius, that crime was not to be punished; for a nobleman among his own family monuments had slain a Roman knight. Now what tragedies does the name of that same Appian road awaken? which, though nothing was said about it formerly, when stained with the murder of an honorable and innocent man, is now incessantly mentioned ever since it has been dyed with the blood of a robber and a parricide. But why do I speak of these things? A slave of Publius Clodius was arrested in the temple of Castor, whom he had placed there to murder Cnæus Pompeius; the dagger was wrested from his hands and he confessed his design; after that Pompeius absented himself from the forum, absented himself from the Senate, and from all public places; he defended himself within his own doors and walls, not by the power of the laws and tribunals.

Was any motion made? was any extraordinary investigation voted? But if any circumstance, if any man, if any occasion was ever important enough for such a step, certainly all these things were so in the greatest degree in that cause. The assassin had been stationed in the forum, and in the very vestibule of the Senate. Death was being prepared for that man on whose life the safety of the Senate depended. Moreover, at that crisis of the republic, when, if he alone had died, not only this state, but all the nations in the world would have been ruined—unless, indeed, the crime was not to be punished because it was not accomplished, just as if the execution of crimes was chastised by the laws, and not the intentions of men—certainly there was less cause to grieve, as the deed was not accomplished, but certainly not a whit the less cause to punish. How often, O judges, have I myself escaped from the weapons and from the bloody hands of Publius Clodius! But if my good fortune, or that of the republic, had not preserved me from

them, who would have proposed any investigation into my death?

But it is foolish of us to dare to compare Drusus, Africanus, Pompeius, or ourselves, with Publius Clodius. All these things, were endurable. The death of Publius Clodius no one can bear with equanimity. The Senate is in mourning; the knights grieve; the whole state is broken down as if with age; the municipalities are in mourning; the colonies are bowed down; the very fields even regret so beneficent, so useful, so kind-hearted a citizen! That was not the cause, O judges, it was not indeed, why Pompeius thought an investigation ought to be proposed by him; but being a man wise and endowed with lofty and almost divine intellect, he saw many things—that Clodius was his personal enemy, Milo his intimate friend; he feared that, if he were to rejoice in the common joy of all men, the belief in his reconciliation with Clodius would be weakened. He saw many other things, too, but this most especially—that in whatever terms of severity he proposed the motion, still you would decide fearlessly. Therefore, he selected the very lights of the most eminent ranks of the state. He did not, indeed, as some are constantly saying, exclude my friends in selecting the tribunals; for neither did that most just man think of this, nor, when he was selecting good men, could he have managed to do so, even had he wished; for my influence would not be limited by my intimacies, which can never be very extensive, because one cannot associate habitually with many people; but, if we have any influence, we have it on this account, because the republic has associated us with the virtuous; and, when he was selecting the most excellent of them, and as he thought that it especially concerned his credit to do so, he was unable to avoid selecting men who were well-disposed toward me.

But as for his especially appointing you, O Lucius Domitius, to preside over this investigation, in that he was seeking nothing except justice, dignity, humanity, and good faith. He passed a law that it must be a man of consular dignity, because, I suppose, he considered the duty of the men of the highest rank to resist both the fickleness of the multitude and the rashness of the profligate; and of the men of consular rank he selected you above all; for from your earliest youth you had given the

most striking proofs how you despised the madness of the people.

Wherefore, O judges, that we may at last come to the subject of action and the accusation, if it is neither the case that all avowal of the deed is unprecedented, nor that anything has been determined about our cause by the Senate differently to what we could wish; and if the proposer of the law himself when there was no dispute as to the deed, yet thought that there should be a discussion as to the law; and if the judges had been chosen, and a man appointed to preside over the investigation, to decide these matters justly and wisely; it follows, O judges, that you have now nothing else to inquire into but which plotted against the other; and that you may the more easily discern this, attend carefully, I entreat you, while I briefly explain to you the matter as it occurred.

When Publius Clodius had determined to distress the republic by all sorts of wickedness during his prætorship, and saw that the comitia were so delayed the year before, that he would not be able to continue his prætorship many months, as he had no regard to the degree of honor, as others have, but both wished to avoid having Lucius Paullus, a citizen of singular virtue, for his colleague, and also to have an entire year to mangle the republic; on a sudden he abandoned his own year, and transferred himself to the next year, not from any religious scruple, but that he might have, as he said himself, a full and entire year to act as prætor, that is, to overthrow the republic.

It occurred to him that his prætorship would be crippled and powerless, if Milo was consul; and, moreover, he saw that he was being made consul with the greatest unanimity of the Roman people. He betook himself to his competitors, but in such a manner that he alone managed the whole election, even against their will—that he supported on his own shoulders, as he used to say, the whole comitia—he convoked the tribes—he interposed—he erected a new Colline tribe by the enrollment of the most worthless of the citizens. In proportion as the one caused greater confusion, so did the other acquire additional power every day. When the fellow, prepared for every atrocity, saw that a most brave man, his greatest enemy, was a most certain consul, and that that was declared, not only by the conversation of the Roman people, but also by their votes, he began

to act openly, and to say without disguise that Milo must be slain.

He had brought down from the Apennines rustic and barbarian slaves, whom you saw, with whom he had ravaged the public woods and Etruria. The matter was not concealed at all. In truth, he used to say undisguisedly that the consulship could not be taken from Milo, but that life could. He often hinted as much in the Senate; he said it plainly in the public assembly. Besides, when Favonius, a brave man, asked him what he hoped for by giving way to such madness while Milo was alive? he answered him, that in three, or at most in four days, he would be dead. And this saying of his Favonius immediately reported to Marcus Cato, who is here present.

In the mean time, as Clodius knew—and it was not hard to know it—that Milo was forced to take a yearly, legitimate, necessary journey on the twentieth of January to Lanuvium to appoint a priest,[7] because Milo was dictator of Lanuvium, on a sudden he himself left Rome the day before, in order (as was seen by the event) to lay in ambush for Milo in front of his farm; and he departed, so that he was not present at a turbulent assembly in which his madness was greatly missed, and which was held that very day, and from which he never would have been absent, if he had not desired to avail himself of the place and opportunity for a crime.

But Milo, as he had been that day in the Senate till it was dismissed, came home, changed his shoes and his garments, waited a little, as men do, while his wife was getting ready, and then started at the time when Clodius might have returned, if, indeed, he had been coming to Rome that day. Clodius meets him unencumbered on horseback, with no carriage, with no baggage, with no Greek companions, as he was used to, without his wife, which was scarcely ever the case; while this plotter, who had taken, forsooth, that journey for the express purpose of murder, was driving with his wife in a carriage, in a heavy travelling cloak, with abundant baggage, and a delicate company of women, and maid servants, and boys. He meets Clodius in front of his farm, about the eleventh hour, or not far from it. Immediately a number of men attack him from the higher ground with missile weapons. The men who are in

[7] It was the priest of Juno Sospita, who was the patroness of Lanuvium.

front kill his driver, and when he had jumped down from his chariot and flung aside his cloak, and while he was defending himself with vigorous courage, the men who were with Clodius drew their swords, and some of them ran back toward his chariot in order to attack Milo from behind, and some, because they thought that he was already slain, began to attack his servants who were behind him; and those of the servants who had presence of mind to defend themselves, and were faithful to their master, were some of them slain, and the others, when they saw a fierce battle taking place around the chariot, and as they were prevented from getting near their master so as to succor him, when they heard Clodius himself proclaim that Milo was slain, and they thought that it was really true, they, the servants of Milo (I am not speaking for the purpose of shifting the guilt onto the shoulders of others, but I am saying what really occurred) did, without their master either commanding it, or knowing it, or even being present to see it, what everyone would have wished his servants to do in a similar case.

These things were all done, O judges, just as I have related them. The man who laid the plot was defeated; violence was defeated by violence; or, I should rather say, audacity was crushed by valor. I say nothing about what the republic, nothing about what you, nothing about what all good men gained by the result. I do not desire it to be any advantage to me to hear that he was born with such a destiny that he was unable even to save himself, without at the same time saving the republic and all of you. If he had not a right to do so, then I have nothing which I can urge in his defence. But if both reason has taught this lesson to learned men, and necessity to barbarians, and custom to all nations, and nature itself to the beasts, that they are at all times to repel all violence by whatever means they can from their persons, from their liberties, and from their lives, then you cannot decide this action to have been wrong, without deciding at the same time that all men who fall among thieves must perish, either by their weapons, or by your sentence.

And if he had thought that this was the law, it would have been preferable for Milo to offer his throat to Publius Clodius—which was not attacked by him once only, nor for the first time on that day—rather than now to be destroyed by you because

he did not surrender himself then to be destroyed by him. But if there is no one of you who entertains such an opinion as that, then the question which arises for the consideration of the court is, not whether he was slain or not, which we admit, but whether he was slain legally or illegally, which is an inquiry which has often been instituted in many causes. It is quite plain that a plot was laid; and that is a thing which the Senate has decided to be contrary to the laws of the republic. By whom it was laid is a question. And on this point an inquiry has been ordered to be instituted. So the Senate has marked its disapproval of the fact, not of the man; and Pompeius has appointed this inquiry into the merits of the case, and not into the fact of its existence.

Does, then, any other point arise for the decision of the court, except this one, Which laid a plot against the other? None whatever. The case comes before you in this way, that if Milo laid a plot against Clodius, then he is not to be let off with impunity. If Clodius laid it against Milo, then we are acquitted from all guilt.

How, then, are we to prove that Clodius laid a plot against Milo? It is quite sufficient in the case of such a wicked, of such an audacious monster as that, to prove that he had great reason to do so; that he had great hopes founded on Milo's death; that it would have been of the greatest service to him. Therefore, that maxim of Cassius, to see to whose advantage it was, may well have influence in respect of these persons. For although good men cannot be induced to commit crimes by any advantage whatever, wicked men often can by a very trifling one. And, if Milo were slain, Clodius gained this, not only that he should be prætor without having him for a consul, under whom he would not be able to commit any wickedness, but also that he should have those men for consuls while he was prætor, who, if they did not aid him, would at all events connive at all his proceedings to such an extent that he hoped he should be able to escape detection in all the frantic actions which he was contemplating; as they (so he argued to himself) would not, even if they were able to do so, be anxious to check his attempts when they considered that they were under such obligations to him; and on the other hand, if they did wish to do so, perhaps they would hardly be able to crush the audacity of that most wicked man

when it got strength by its long continuance. Are you, O judges, the only persons ignorant of all this? Are you living in this city as ignorant of what passes as if you were visitors? Are your ears all abroad, do they keep aloof from all the ordinary topics of conversation of the city, as to what laws (if, indeed, they are to be called laws, and not rather firebrands to destroy the city, pestilences to annihilate the republic) that man was intending to impose upon all of us, to brand on our foreheads? Exhibit, I beg you, Sextus Clodius, produce, I beg, that copy of your laws which they say that you saved from your house, and from the middle of the armed band which threatened you by night, and bore aloft, like another palladium, in order, forsooth, to be able to carry that splendid present, that instrument for discharging the duties of the tribuneship, to someone, if you could obtain his election, who would discharge those duties according to your directions. And he was going to divide the freedmen among all the tribes, and by his new law to add all the slaves who were going to be emancipated, but who had not yet received their freedom, so that they might vote equally with the free citizens].[8]

Would he have dared to make mention of this law, which Sextus Clodius boasts was devised by him, while Milo was alive, not to say while he was consul? For all of us—I cannot venture to say all that I was going to say. But do you consider what enormous faults the law itself must have had, when the mere mention of it, for the purpose of finding fault with it, is so offensive. And he looked at me with the expression of countenance which he was in the habit of putting on when he was threatening everybody with every sort of calamity. That light of the senate-house moves me.[9]

What? do you suppose, O Sextus, that I am angry with you; I, whose greatest enemy you have punished with even much greater severity than my humanity could resolve to demand? You cast the bloody carcass of Publius Clodius out of the house, you threw it out into the public street, you left it destitute of all images, of all funeral rites, of all funeral pomp, of all funeral panegyric, half consumed by a lot of miserable logs, to be torn

[8] The passage in brackets is a very doubtful supplement of Beier; which, however, Orellius prefers to any other.

[9] Cicero here supposes Sextus Clodius to look menacingly at him, in order to check him in his attack on this intended law.

to pieces by the dogs who nightly prowl about the streets. Wherefore, although in so doing you acted most impiously, still you were wreaking all your cruelty on my enemy; though I cannot praise you, I certainly ought not to be angry with you.

[I have demonstrated now, O judges, of what great consequence it was to Clodius] that Milo should be slain. Now turn your attention to Milo. What advantage could it be to Milo that Clodius should be slain? What reason was there why Milo, I will not say should do such an action, but should even wish for his death? Oh, Clodius was an obstacle to Milo's hope of obtaining the consulship. But he was obtaining it in spite of him. Ay, I might rather say he was obtaining it all the more because Clodius was opposing him; nor in fact was I a more efficient support to him than Clodius was. The recollection, O judges, of the services which Milo had done to me and to the republic had weight with you. My entreaties and my tears, with which I perceived at that time that you were greatly moved, had weight with you; but still more weight had your own fear of the dangers which were impending. For who of the citizens was there who could turn his eyes to the unrestrained prætorship of Publius Clodius, without feeling the greatest dread of a revolution? and unrestrained you saw that it would be unless you had a consul who had both courage and power to restrain him; and as the whole Roman people saw that Milo alone was that man, who could hesitate by his vote to release himself from fear, and the republic from danger?

But now, now that Clodius is removed, Milo has got to labor by more ordinary practices to preserve his dignity. That preeminent glory, which was then attributed to him alone, and which was daily increasing in consequence of his efforts to repress the frenzy of Clodius, has been put an end to by the death of Clodius. You have gained your object of being no longer afraid of any one of the citizens; he has lost that incessant arena for his valor, that which procured him votes for the consulship, that ceaseless and ever-springing fountain of his glory. Therefore, Milo's canvass for the consulship, which could not be hindered from prospering while Clodius was alive, now, the moment that he is dead, is attempted to be checked. So that the death of Clodius is not only no advantage, but is even a positive injury to Milo.

"Oh, but his hatred prevailed with him; he slew him in a passion; he slew him because he was his enemy; he acted as the avenger of his own injury; he was exacting atonement to appease his private indignation." But what will you say if these feelings, I do not say existed in a greater degree in Clodius than in Milo, but if they existed in the greatest possible degree in the former, and not at all in the latter? What will you require beyond that? For why should Milo have hated Clodius, the material and ground-work of his glory, except as far as that hatred becoming a citizen goes, with which we hate all worthless men? There was plenty of reason for Clodius to hate Milo, first, as the defender of my safety; secondly, as the repressor of his frenzy, the defeater of his arms; and lastly, also, as his prosecutor. For Clodius was liable to the prosecution of Milo, according to the provisions of the Plotian law, as long as he lived. And with what feelings do you suppose that that tyrant bore that? how great do you suppose was his hatred toward him? and, indeed, how reasonable a hatred was it for a wicked man to entertain.

It remains for me now to urge his natural disposition and his habits of life in the defence of the one, and the very same things as an accusation against the other. Clodius, I suppose, had never done anything by violence; Milo had done everything by violence. What, then, shall I say, O judges? When, amid the grief of all of you, I departed from the city, was I afraid of the result of a trial? was I not afraid of slaves, and arms and violence? What, I pray you, was the first ground of my restoration, except that I had been unjustly driven out? Clodius, I suppose, had commenced a formal prosecution against me; he had named a sum as damages; he had commenced an action for high treason; and, I suppose, too, I had cause to fear your decision in a cause which was an unjust one, which was my own private cause, not one which was a most righteous one, and which was, in reality, your cause, and not mine? No—I was unwilling that my fellow-citizens, who had been saved by my prudence and by my own personal danger, should be exposed to the arms of slaves and needy citizens and convicted malefactors. For I saw—I saw, I say, this very Quintus Hortensius, the light and ornament of the republic, almost slain by the hand of slaves, while he was standing by me. In which crowd Caius

Vibienus, a senator, a most excellent man, who was with Hortensius, was so maltreated that he lost his life.

When, then, was it that that assassin's dagger of his, which he had received from Catiline, rested? It was aimed at us; I would not allow you all to be exposed to it for my sake. It was prepared in treachery for Pompeius. It stained with blood, through the murder of Papirius, the very Appian road, the monument of his name; this, this same dagger, after a long interval was again turned against me; lately, as you know, it nearly murdered me close to the palace of Ancus.

What is there of Milo's conduct like all this? when all the violence that he has ever displayed has amounted to this, that he wished to prevent Publius Clodius (as he could not be brought to trial) from oppressing the city by violence. And if he wished to put him to death, what great, what repeated, and what splendid opportunities he had of doing so! Might he not have avenged himself without violating the law when he was defending his own house and his household gods from his attacks? might he not have done so when that illustrious citizen and most gallant man, Publius Sextius, his own colleague, was wounded? might he not have done so when that most excellent man, Quintus Fabricius, while carrying a bill for my restoration, was driven away, and when a most cruel slaughter was taking place in the forum? Might he not have done so when the house of Lucius Cæcilius, that most upright and fearless prætor was attacked? might he not have done so on the day on which the law concerning me was passed, and when that vast concourse of people from all parts of Italy, whom a regard for my safety had roused up, would have gladly recognized and adopted as its own the glory of that action? so that, even if Milo had performed it, the whole state would claim the praise of it as belonging to itself?

And what a time was it? A most illustrious and fearless consul, Publius Lentulus, an enemy to Clodius, the avenger of his wickedness, the bulwark of the Senate, the defender of your inclinations, the patron of that general unanimity, the restorer of my safety; seven prætors, eight tribunes of the people, adversaries of him, defenders of me; Cnæus Pompeius, the prime mover of and chief agent in my return, his open enemy; whose opinion respecting my return, delivered in the most dignified

and most complimentary language, the whole Senate adopted; he who exhorted the whole Roman people, and, when he passed a decree concerning me at Capua, gave himself the signal to all Italy, which was eager for it, and which was imploring his good faith, to join together for the purpose of restoring me to Rome; in short, universal hatred on the part of all the citizens, was excited against him, while their minds were inflamed with as earnest a regret for me; so that if anyone had slain him at that time, people's thoughts would have been, not how to procure impunity for such a man, but how to reward him sufficiently.

Nevertheless, Milo restrained himself, and twice summoned Publius Clodius before the court, but never once invited him to a trial of strength in scenes of violence. What do I say? while Milo was a private individual, and on his trial before the people, on the accusation of Publius Clodius, when an attack was made on Cnæus Pompeius, while speaking in defense of Milo, was there not then not only an admirable opportunity of, but a reasonable pretext for slaying him? And lately, when Marcus Antonius had inspired all virtuous men with the very greatest hope of safety, and when he, being a most noble young man, had with the greatest gallantry espoused the cause of the republic, and had that beast almost in his toils in spite of his avoiding the snares of the law; what an opportunity, what a time and place were there, O ye immortal gods! And when Clodius had fled and hidden himself in the darkness of the stairs, there was a fine opportunity for Milo to slay him without incurring the slightest odium himself, and to load Antonius at the same time with the greatest glory! What? How repeatedly had he a similar chance in the comitia! when he had broken into the voting booth, and contrived to have swords drawn and stones thrown, and then on a sudden, terrified at the look of Milo, fled toward the Tiber, and you and all virtuous men prayed to heaven that Milo might take it into his head to give full scope to his valor.

If then he did not choose to slay him, when he might have done so with the gratitude of everyone, is it likely that he should have chosen to do so when some people were sure to complain of it? If he did not venture to do it when he might have done so lawfully, when he had both place and time in his favor, when he might have done so with impunity, can we believe that he did

not hesitate to slay him unjustly at a time and place which supplied him with no excuse for the deed, when it was at the hazard of his life? especially, O judges, when the day of contest for the greatest distinction of the state, and the day of the comitia, was at hand. At which time (for I know what a nervous thing ambition is, how vehement and how anxious is the desire for the consulship), we are afraid of everything, not only of those things which can be openly found fault with, but even of whatever can be secretly thought; we shudder at every rumor, at every idle and empty story; we look anxiously at everyone's countenance, at everyone's eye. For there is nothing so soft, so tender, so frail, so flexible, as the inclinations and feelings of our fellow-citizens toward us; for they are not only angry at any impropriety in the conduct of candidates, but they often even take a disgust at our virtuous actions.

Did Milo, then, keeping in view this long hoped-for and wished-for day of the Campus Martius, propose to himself to come to those venerable auspices of the centuries with bloody hands, owning and confessing a wickedness and a crime? How perfectly incredible is such conduct in such a man! At the same time, how undoubted is it in the case of Clodius, who thought that he should be a king as soon as Milo was slain. What shall I say more? This is the very mainspring of audacity, O judges, for who is there who does not know that the greatest temptation of all to do wrong is the hope of impunity? Now, in which of the two did this exist? In Milo? who is even now on his trial for an action which I contend was an illustrious one, but which was at all events a necessary one; or in Clodius? who had shown such contempt for courts of justice and punishment, that he took no pleasure in anything which was not either impious, from its disregard of the prohibitions of nature, or illegal, from its violation of law.

But what am I arguing about? why do I keep on disputing at greater length? I appeal to you, O Quintus Petillius, a most virtuous and fearless citizen; I call you to witness, O Marcus Cato; whom some heavenly interposition has given me for judges. You have heard from Marcus Favonius, and you heard it, too, while Clodius was alive, that he, Clodius, had said to him that Milo would die within three days—and on the third day the deed which he had mentioned was put in execution.

When he did not hesitate to reveal what he was thinking of, can you have any doubt what he did?

How, then, was it, that he was so correct in the day? I told you that just now. There was no great difficulty in knowing the regular days of sacrifice for the dictator of Lanuvium. He saw that it was necessary for Milo to go to Lanuvium on the very day in which he did go—therefore, he anticipated him. But on what day? Why, on the day on which, as I have said before, there was a most furious assembly of the people, stirred up by the tribune of the people whom he had in his pay—a day, and an assembly, and an uproar which he would never have missed if he had not been hastening to some premeditated crime. Therefore, he had not only no reason for going on a journey, but he had even a reason for stopping at home. Milo had no possibility of stopping at home, and he had not only a reason, but a positive necessity for going on a journey. What more? Suppose, while he knew that Milo must go on the road on that day, so, on the other hand, Milo could not even suspect that Clodius would? For, first of all, I ask, how could Milo know it? a question which you cannot ask respecting Clodius. For even if he had not asked anyone beyond his own intimate friend Titus Patina, he could have ascertained from him that on that particular day a priest must absolutely be appointed at Lanuvium by Milo as the dictator there. But there were plenty more people from whom he could easily learn that; for instance, all the people of Lanuvium. Of whom did Milo make any inquiry about the return of Clodius? Grant that he did make inquiry; see what large allowances I am making you; grant even that he bribed his slave, as my good friend Quintus Arrius said. Read the evidence of your own witnesses.

Caius Cassinius Schola, a man of Interamna, gave his evidence—a most intimate friend of Publius Clodius, and more, a companion of his at the very time; according to whose testimony, Publius Clodius was at Interamna and at Rome at the very same time. Well, he said, that Publius Clodius had intended to remain that day at his Alban villa; but that on a sudden news was brought to him, that Cyrus his architect was dead; and, therefore, that he determined to proceed to Rome immediately. Caius Clodius, who was also a companion of Publius Clodius, said the same.

Take notice, O judges, what the real effect of this evidence must be. First of all, Milo is certainly acquitted of having set out with the express intention of waylaying Clodius on his road; this must be, since there was apparently no chance whatever of his meeting him. In the next place (for I see no reason why I should not do something for myself at the same time), you know, O judges, that there have been men found to say, while urging on this bill against Milo, that the murder was committed by the hand indeed of Milo, but by the plan of someone of more importance than he. Those abject and profligate men, forsooth, pointed me out as a robber and assassin. Now they lie convicted by their own witnesses, who say that Clodius would not have returned to Rome that day if he had not heard the news about Cyrus. I breathed again; I was delivered; I am not any longer afraid of being supposed to have contemplated an action which I could not possibly have suspected.

Now I will examine the other point. For this expression occurs in their speech: "Therefore, Clodius never even thought of the plot against Milo, since he intended to remain in his Alban villa." Yes, he meant to remain there, if he did not rather intend to go out and commit a murder. For I see that the messenger who is said to have brought him news of Cyrus's death did not announce that to him, but told him that Milo was at hand. For why should he bring any news about Cyrus, whom Clodius had left at Rome on his death-bed? I was with him; I signed his will as a witness together with Clodius; and he had openly made his will, and had left him and me his heirs. When he had left him the day before, at the third hour, at the very point of death, was news sent express to him the next day, at the tenth hour, that he was at last dead?

Well, be it so; what reason had he for hastening to Rome? for starting at nightfall? Why should the fact of his being his heir cause him to make so much haste? In the first place, there was no reason why there should be need of any haste; secondly, even if there was, still what was there which he could obtain that night, but which he would lose if he arrived at Rome early the next morning? And as an arrival in the city by night was rather to be avoided by him than to be desired, so it was just suited for Milo to lie in ambush and wait for him, as he was a plotter of that sort, if he knew that he was likely to come to the

city by night. He would have slain him by night, in a place calculated for an ambush and full of robbers; no one would have refused to have believed him if he denied it, when now all men wish to save him even when he confesses it. The brunt of the blame would have fallen on the place itself, so well suited to receive and conceal robbers, while neither the voiceless solitude would have informed against, nor the dark night discovered Milo; secondly, the numbers of men who had been insulted by Clodius, or plundered by him, or stripped of all their property by him, many, too, who were in constant fear of such misfortunes, would have fallen under suspicion; in short, the whole of Etruria would have been impeached in people's opinion.

And certainly on that day Clodius returning from Aricia did turn aside to his Alban villa. But although Milo knew that he was at Aricia, still he ought to have suspected that he, even if he was desirous to return to Rome that day, would turn aside to his own villa, the grounds of which skirted the road. Why, then, did he not meet him before, and prevent his going to his villa? nor wait in that place where he would certainly arrive by night?

I see that all things up to this point are plain and consistent. That it was even desirable for Milo that Clodius should live; that for Clodius the death of Milo was the most advantageous thing possible, with reference to those objects on which he had set his heart; that he bore him the most bitter hatred, but that Milo had no such feelings toward him; that the one lived in a perpetual round of violence, that the other's habits were limited to repelling it; that Milo had been threatened by him with death, and that his death had been openly predicted by him; that no such expression had ever been heard from Milo; that the day of Milo's journey was well known to Clodius, but that Clodius's return was unknown to Milo; that the journey of the one was inevitable, and that of the other was even inconvenient to himself; that the one had openly declared that on that day he should set out from Rome, that the other had concealed the fact of his intending to return on that day; that the one had in no respect whatever changed his intention, that the other had invented a false pretence for changing his mind; that the one, if he were plotting, would naturally wish night to come on when he was near the city, while an arrival at the city by night was to

be feared by the other, even if he had no apprehension of danger from this man.

Let us now consider this, which is the main point of all; for which of the two the identical spot where they did meet was the best suited for planting an ambush. But is that, O judges, a matter about which one can possibly doubt or think seriously for a moment? In front of Clodius's farm—that farm on which, on account of those absurd erections and excavations for foundations of his, there were pretty well a thousand vigorous men employed—on that high and raised ground belonging to his adversary, did Milo think that he should get the better in the contest, and had he with that view selected that spot above all others? Or was he rather waited for in that place by a man who had conceived the idea of attacking, because of the hopes that that particular spot suggested to him? The facts, O judges, speak for themselves; facts, which are always of the greatest weight in a cause. If you were not hearing of this transaction, but were looking at a picture of it, still it would be quite visible which of the two was the plotter, which was thinking no evil, when one of the two was driving in a chariot wrapped up in a mantle, with his wife sitting by his side. It is hard to say which was the greatest hinderance to him, his dress, or his carriage, or his wife. How could a man be less ready for battle than when he was entangled in a mantle as in a net, hampered with a carriage, and fettered, as it were, by his wife clinging to him? Look, on the other hand, at Clodius, first setting out from his villa; all on a sudden: why? It was evening. Why was he forced to set out at such a time? Going slowly. What was the object of that, especially at that time of night? He turns aside to the villa of Pompeius. To see Pompeius? He knew that he was near Alsium. To see the villa? He had been in it a thousand times. What, then, was his object? Delay; he wanted to waste the time. He did not choose to leave the spot till Milo arrived.

Come, now, compare the journey of this unencumbered bandit with all the hinderances which beset Milo. Before this time he always used to travel with his wife; now he was without her. He invariably went in a carriage; now he was on horseback. His train were a lot of Greeklings wherever he was going; even

when he was hastening to the camp in Etruria;[10] but this time there were no triflers in his retinue. Milo, who was never in the habit of doing so, did by chance have with him some musical slaves belonging to his wife, and troops of maid-servants. The other man, who was always carrying with him prostitutes, worn-out debauchees both men and women, this time had no one with him except such a band that you might have thought every one of them picked men. Why, then, was he defeated? Because the traveller is not always murdered by the robber; sometimes the robber is killed by the traveller; because, although Clodius in a state of perfect preparation was attacking men wholly unprepared, still it was the case of a woman falling upon men. And, indeed, Milo was never so utterly unprepared for his violence as not to be nearly sufficiently prepared. He was always aware how greatly it concerned the interest of Publius Clodius that he should be slain, how greatly he hated him, and how great was his daring. Wherefore, he never exposed his life to danger without some sort of protection and guard, knowing that it was threatened, and that a large price, as it were, were set upon it.

Add to this consideration all the chances; add the always uncertain result of a battle, and the common fortune of Mars, who often overthrows the man who is already exulting and stripping his enemy, and strikes him to the ground by some mean agent; add the blundering conduct of a leader who had dined and drank, and who was yawning and drowsy; who, when he had left his enemy cut off in the rear, never thought of his companions on the outskirts of his train; and then when he fell among them inflamed with anger, and despairing of saving the life of their master, he fell on that punishment which the faithful slaves inflicted on him as a retribution for their master's death. Why, then, has Milo emancipated them? He was afraid, I suppose, lest they should give information against him; lest they should be unable to bear pain; lest they should be compelled by tortures to confess that Publius Clodius was slain in the Appian road by the slaves of Milo.

What need is there of any torturer? What do you want to know? whether he was slain? He was slain. Whether he was

[10] That is, to Manlius's camp in Etruria at the time of Catiline's conspiracy, in which, in all probability, Clodius was implicated.

slain lawfully or unlawfully? That is beyond the province of the torturer. For the rack can only inquire into the fact; it is the bench of judges that must decide on the law.

Let us, then, here confine our attention to what must be investigated in this trial. All that you can want to find out by tortures we admit. But if you prefer asking why he emancipated his slaves, rather than why he gave them inadequate rewards, you are but a bungling hand at finding fault with an enemy. For Marcus Cato, who says everything with great wisdom, and consistency, and courage, said the same thing; and he said, too, in a very turbulent assembly of the people, which, however, was pacified by his authority, that those slaves were worthy not only of liberty, but even of every sort of reward possible, who had defended the life of their master. For what reward can be sufficiently great for such well-affected, such virtuous, such faithful slaves, owing to whom it is that he is still alive? Although even that is not putting it so strongly as to say, that it is owing to those very men that he did not glut the eyes and mind of his most cruel enemy with his blood and wounds. And if he had not emancipated them, then those preservers of their master, those avengers of wickedness, those defenders of their master from death, must have even been surrendered to torture. But in all these misfortunes the most comfortable reflection which Milo has is, that, even if anything should happen to himself, still he has given them the reward which they deserved.

But now the examinations which have just been conducted in the hall of liberty, are said to press against Milo. Who are the slaves who have been examined? Do you ask? The slaves of Publius Clodius. Who demanded that they should be examined? Appius. Who produced them? Appius. Where were they brought from? From the house of Appius. O ye good gods, what can be done with more animosity? There is no law which authorizes slaves to be examined as witnesses against their master, except on accusations of impiety, as was the case in the prosecution instituted against Clodius. Clodius has been raised nearly to the gods, more nearly than even when he penetrated into their sanctuary, when an investigation into the circumstances of his death is carried on like one into a profanation of sacred ceremonies. But still, our ances-

tors did not think it right that slaves should be examined as witnesses against their masters; not because the truth could not be discovered, but because it seemed a scandalous thing to do, and more oppressive to the masters than even death itself. Well, then, when the slaves of the prosecutor are examined as witnesses against the defendant, can the truth be found out?

Come, however, what was the examination; and how was it conducted? Holloa, you Rufio (that name will do as well as another), take care you tell the truth. Did Clodius lay a plot against Milo? "He did." He is sure to be crucified for saying so. "Certainly not." He has hopes of obtaining his liberty. What can be more certain than this mode of examination? The men are suddenly carried off to be examined; they are separated from all the rest, and put into cells that no one may be able to speak to them. Then, when they have been kept a hundred days in the power of the prosecutor, they are produced as witnesses by the prosecutor himself. What can be imagined more upright than this sort of examination? What can be more free from all suspicion of corruption?

And if you do not yet see with sufficient clearness (though the transaction is evident of itself by so many and such irresistible arguments and proofs), that Milo was returning to Rome with a pure and guiltless intention, with no taint of wickedness, under no apprehension, without any consciousness of crime to disquiet him; recollect, I implore you, in the name of the immortal gods, how rapid his speed while returning was; how he entered the forum while the senate-house was all on fire with eagerness; how great was the magnanimity which he displayed; how he looked, and what he said. Nor did he trust himself to the people only, but also to the Senate; nor to the Senate only, but also to the public guards and their arms; nor to them only, but also to the power of that man to whom the Senate had already intrusted [11] the whole republic, all the youth

[11] The disturbances on the death of Clodius arose to such a height, that the Senate at last passed a resolution that Marcus Lepidus the Interrex, assisted by the tribunes of the people and Pompeius, should take care that the republic received no injury. And at last the Senate appointed Pompeius consul without a colleague, who immediately published several new laws, and among them the one under which this trial was conducted, and he now limited the duration of trials, allowing only three days for the examination of witnesses, and on the fourth day the accuser was only allowed two hours to enforce the accusation, and the defendant three hours to speak in his defence. Cœlius endeavored to arrest these laws by his veto as tribune, declaring that they were framed solely with a view to crush Milo, whom Pompeius certainly desired to get rid of; to effect which he even descended to the artifice of pretending to believe that Milo had laid a plot to assassinate him.

of Italy, and all the arms of the Roman people. And surely he never would have put himself in his power, if he had not been confident in the justice of his cause; especially as he was one who heard everything, and feared great danger, and suspected many things, and even believed some. The power of conscience is very great, O judges, and is of great weight on both sides; so that they fear nothing who have done no wrong, and they, on the other hand, who have done wrong think that punishment is always hanging over them.

Nor, indeed, is it without good reason that Milo's cause has always been approved of by the Senate. For these wisest of men took into their consideration the whole circumstances of the case; Milo's presence of mind, and vigor in defending himself. Have you forgotten, O judges, when the news of Clodius's death was still recent, the opinions and the language which were held, not only by Milo's enemies, but also by other ignorant people? They said that he would not return to Rome at all. For if he had committed the deed in a passionate and excited mood, so that he had slain his enemy while under the influence of strong hatred, they thought that he would consider the death of Publius Clodius an event of such importance, that he would bear being deprived of his country with equanimity, as he had sated his hatred in the blood of his enemy; or, if he had deliberately intended to deliver his country by the slaughter of Clodius, then they thought that he, as a brave man, would not hesitate, after having brought safety to his country at his own risk, to submit with equanimity to the laws, to carry off with himself everlasting renown, and to leave those things to us to enjoy which he had preserved for us himself.

Many also spoke of Catiline and the monsters of his train. "We shall have another Catiline breaking out. He will occupy some strong place; he will make war on his country." Wretched sometimes is the fate of those citizens who have faithfully served the republic! when men not only forget the illustrious exploits which they have performed, but even suspect them of the most nefarious designs! Therefore, all those things were false, which would certainly have turned out true if Milo had committed any action which he could not defend with honor and with truth.

What shall I say of the charges which were afterward heaped

upon him? which would have crushed anyone who was conscious of even trifling offences. How nobly did he support them! O ye immortal gods, do I say support them? Say rather, how did he despise them, and treat them as nothing! Charges which no guilty man, were he ever so high-minded, and, indeed, no innocent man, unless he were also a most fearless man, could possibly have disregarded. It was said that a vast collection of shields, swords, bridles, lances, and javelins had been seized. They said that there was no street, no alley in the whole city, in which there was not a house hired for Milo; that arms had been carried down the Tiber to his villa at Oriculum; that his house on the Capitoline Hill was full of shields; that every place was full of firebrands prepared for the burning of the city. These things were not only reported, but were almost believed, and were not rejected till they had been thoroughly investigated. I praised, indeed, the incredible diligence of Cnæus Pompeius; but still I will say what I really think, O judges.

Those men are compelled to listen to too many statements; indeed, they cannot do otherwise, who have the whole republic intrusted to them. It was necessary even to listen to that eating-house keeper Licinius, if that was his name, a fellow out of the Circus Maximus, who said that Milo's slaves had got drunk in his house, that they had confessed to him that they were engaged in a conspiracy to assassinate Cnæus Pompeius, and that he himself was afterward stabbed by one of them to prevent him from giving information. He went to Pompeius's villa to tell him this. I am sent for among the first. By the advice of his friends, Pompeius reports the affair to the Senate. It was impossible for me to be otherwise than frightened almost to death at the bare suspicion of such danger to one who was the protector both of me and of my country; but still I wondered that an eating-house keeper should be at once believed, that the confession of the slaves should be listened to, and that a wound in the side, which looked like the prick of a needle, should be admitted to be a wound inflicted by a gladiator. But, as I take the fact to have been, Pompeius was rather taking precautions than feeling any actual alarm, guarding not only against those things which it was reasonable to fear, but also against everything which could possibly disquiet you.

The house of Caius Cæsar, that most illustrious and gallant man, was besieged, as was reported, during many hours of the night. No one in that frequented part of the city had either seen or heard of any such thing. Still such a report was spread about. I could not possibly suspect Cnæus Pompeius, a man of the most admirable valor, of being timid; and I thought no diligence could be overstrained in a man who had undertaken the management and protection of the whole of the republic. In a very full meeting of the Senate, lately held in the Capitol, a senator was found to say that Milo had a weapon about him. He threw back his garments in that most sacred temple, that, since the life of so good a citizen and so good a man could not procure him credit, the facts themselves might speak for him, while he held his peace.

Every word was ascertained to be a false and treacherous invention. And if people are even now afraid of Milo, we are not now under apprehension because of the charge respecting Clodius, but we are shuddering at your suspicions—at yours, I say, O Cnæus Pompeius (for I address you yourself, and I speak loudly so that you may be able to hear me). If you are afraid of Milo—if you believe that he either now cherishes wicked designs against your life, or that he ever has entertained such; if the levying of troops throughout Italy, as some of your recruiting sergeants pretend—if these arms—if these cohorts in the Capitol—if these watchmen, these sentinels—if this picked body of youths, which is the guard of your person and your house, is all armed against an attack on the part of Milo; and if all these measures have been arranged, and prepared, and aimed against him alone—then certainly he must be a man of great power, of incredible courage; surely it must be more than the power and resources of one single man which are attributed to him, if the most eminent of our generals is invested with a command, and all Italy is armed against this one man. But who is there who does not understand that all the diseased and feeble parts of the republic were intrusted to you, O Pompeius, that you might heal and strengthen them with your arms? And if an opportunity had been afforded to Milo, he would, doubtless, have proved to you yourself that no man was ever more dear to another than you are to him; that he had never shunned any danger which might be of service in promoting your dignity;

that he had often contended against that most foul pest on behalf of your glory; that his conduct in his tribuneship had been entirely regulated by your counsels for the protection of my safety, which was an object very dear to you; that he afterward had been defended by you when in danger of his life,[12] and had been assisted by you when he was a candidate for the prætorship; and that he had always believed that the two firmest friends whom he had were you and I—you, as shown by the kindness of your behavior to him, and I, secured to him by the services which he himself had done me. And if he could not convince you of this—if that suspicion had sunk so deep in your mind that it could not possibly be eradicated; if, in short, Italy was never to have any rest from those levies, nor the city from arms, till Milo was ruined—then no doubt he, without hesitation, would have departed from his country, a man born to make such sacrifices and accustomed to make them; but still he would have cited you, O Magnus, as a witness in his favor, as he now does.

See, now, how various and changeable is the course of human life, how fickle and full of revolutions is fortune; what instances of perfidy are seen in friends, how they dissemble and suit their behavior to the occasion; when dangers beset one, how one's nearest connections fly off, and what cowardice they show. The time will come, ay, will most certainly come—that day will surely dawn some time or other, when you, though your affairs are all, as I trust they will be, in a really sound condition, though they may, perhaps, wear an altered appearance in consequence of some commotion of the times, such as we are all liable to (and how constantly such things happen we may know from experience)—when you, I say, may be in need of the good-will of one who is most deeply attached to you, and the good faith of a man of the greatest weight and dignity, and the magnanimity of the very bravest man that ever lived in the world. Although, who would believe that Cnæus Pompeius, a man most thoroughly versed in public law, in the usages of our ancestors, and in all the affairs of the republic, after the Sen-

[12] When Clodius was ædile, he instituted a prosecution against Milo for violence. Pompeius, Crassus and Cicero appeared for him; and though Clodius's mob raised a great uproar, and endeavored to prevent Pompeius from being heard, he made a long speech, lasting three hours, in his defence. The trial was adjourned from February till May, and does not appear to have ever been brought to a regular termination.

ate has intrusted to him the charge of taking care "that the republic suffered no injury," by which one line the consuls have always been sufficiently armed, even though no warlike weapons were given to them—that he, I say, after having had an army and a levy of troops given to him, would wait for a legal decision to repress the designs of that man who was seeking by violence to abolish the courts of justice themselves?

It was sufficiently decided by Pompeius, quite sufficiently, that all those charges were falsely brought against Milo; when he passed a law by which, as I conceive, he was bound to be acquitted by you—at all events, as all men allow, might legally be acquitted. But when he sits in that place, surrounded by all those bands of public guards, he declares plainly enough that he is not striking terror into you (for what could be less worthy of him than to condemn a man whom he himself might punish if guilty, both by his own authority and in strict accordance with the precedents of our ancestors?), but that he keeps them about him for the sake of protection; that you may be aware that it is allowed to you to decide with freedom according to your own opinions, in contradiction to that assembly of the people which was held yesterday.

Nor, O judges, am I at all moved by the accusation respecting Clodius. Nor am I so insane, and so ignorant of, and inexperienced in, your feelings, as not to be aware what your opinions are about the death of Clodius, concerning which, if I were unwilling to do away with the accusation in the manner in which I have done away with it, still I assert that it would have been lawful for Milo to proclaim openly, with a false but glorious boast, "I have slain, I have slain, not Spurius Mælius, who fell under the suspicion of aiming at kingly power by lowering the price of corn, and by squandering his own family estate, because by that conduct he was thought to be paying too much court to the common people; not Tiberius Gracchus, who, out of a seditious spirit, abrogated the magistracy of his own colleague, whose slayers have filled the whole world with the renown of their name; but him" (for he would venture to name him when he had delivered his country at his own risk) "who was detected in the most infamous adultery in the most sacred shrine, by most noble women; him, by the execution of whom the Senate has repeatedly resolved that solemn religious

observances required to be propitiated; him whom Lucius Lucullus, when he was examined on the point, declared on his oath that he had detected in committing unhallowed incest with his own sister; him, who by means of armed bands of slaves drove from his country that citizen whom the Senate, whom the Roman people, whom all nations had declared to be the saviour of the city and of the lives of all the citizens; him, who gave kingdoms, took them away, and distributed the whole world to whomsoever he pleased; him who, after having committed numberless murders in the forum, drove a citizen of the most extraordinary virtue and glory to his own house by violence and by arms; him, to whom nothing was ever too impious to be done, whether it was a deed of atrocity or of lust; him, who burnt the temple of the nymphs, in order to extinguish the public record of the census which was committed to the public registers; lastly, him who acknowledged no law, no civil rights, no boundaries to any man's possessions, who sought to obtain other people's estates, not by actions at law and false accusations, not by unjust claims and false oaths, but by camps, by an army, by regular standards and all the pomp of war, who, by means of arms and soldiers, endeavored to drive from their possessions, not only the Etrurians, for he thoroughly despised them, but even this Publius Varius, that most gallant man and most virtuous citizen, one of our judges, who went into many other people's villas and grounds with architects and surveyors, who limited his hopes of acquiring possessions by Janiculum and the Alps; him who, when he was unable to prevail on an estimable and gallant Roman knight, Marcus Paconius, to sell him his villa on the Prelian Lake, suddenly conveyed timber, and lime, and mortar, and tools in barks to the island, and while the owner of the island was looking at him from the opposite bank, did not hesitate to build a house on another man's land; who said to Titus Furfanius—O ye immortal gods, what a man! (for why should I mention that insignificant woman, Scantia, or that youth Aponius, both of whom he threatened with death if they did not abandon to him the possession of their villas?) but he dared to say to Furfanius, that if he did not give him as much money as he demanded, he would carry a dead body into his house, and so raise a storm of unpopularity against him; who turned his brother Appius, a man connected with me by the

most faithful friendship, while he was absent, out of the possession of his farm; who determined to run a wall across the vestibule of his sister's house in such a manner, and to draw the line of foundation in such a direction, as not only to deprive his sister of her vestibule, but of all access to her house, and of her own threshold."

Although all these things appeared such as might be endured —although he attacked with equal fury the republic, and private individuals, and men who were at a distance, and men who were near, people who had no connection with him, and his own relations; yet somehow or other the incredible endurance of the state had by long use grown hardened and callous. But as for the things which were at hand, and were impending over you, in what manner was it possible for you either to avert them or to bear them? If he had once obtained real power—I say nothing of our allies, of foreign nations, and kings, and tetrarchs; for you would have prayed that he might turn himself against them rather than against your possessions, your houses, and your money; money do I say? your children rather—I solemnly swear he would never have restrained himself from your children and from your wives. Do you think that these things are inventions of mine? They are evident; they are notorious to everyone; they are proved. Is it an invention of mine that he was about to enlist an army of slaves in the city, by whose instrumentality he might take possession of the whole republic, and of the private fortune of everyone?

Wherefore, if Titus Annius, holding in his hand a bloody sword, had cried out, "Come hither, I beg of you, and listen to me, O citizens: I have slain Publius Clodius; with this sword and with this right hand I have turned aside from your necks the frenzied attacks of that man whom we were unable to restrain by any laws, or by any judicial proceedings whatever; by my single efforts has it been brought to pass that right, and equity, and laws, and liberty, and modesty, and chastity remain in this city;" would there in truth have been any reason to fear in what manner the city would receive this announcement? For now, as it is, who is there who does not approve of what has been done? who does not praise it? who does not both say and feel that of all men to whom recollection can reach back, Titus Annius has done the republic the greatest service; that of all

men he has diffused the greatest joy among the Roman people, and over the whole of Italy, and throughout all nations? I cannot form a conception of what would have been the old-fashioned joy of the Roman people. Already our age has seen many, and those most illustrious victories, won by consummate generals; but not one of them has brought with it a joy that either lasted so long, or that was so excessive while it did last.

Commit this fact to memory, O judges. I trust that you and your children will see many happy days in the republic. On every occasion these will always be your feelings—that if Publius Clodius had been alive, you never would have seen one of them. We have been led now to conceive the greatest, and, as I feel sure, the best-founded hopes, that this very day, this most admirable man being made our consul, when the licentiousness of men is checked, their evil passions put down, the laws and courts of justice re-established on a firm footing, will be a salutary day for the republic. Is there, then, anyone so insane as to think that he could have obtained all this while Publius Clodius was alive? What? why, what power of perpetual possession could you have had even in those things which you possess as your private property and in the strictest sense your own, while that frenzied man held the reins of government?

I have no fear, O judges, lest it should seem that, because I am inflamed with hatred against him, on account of my own personal enmity to the man, I am vomiting forth these charges against him with more zeal than truth. In truth, though it is natural that that should be an especial stimulus to me, yet he was so completely the common enemy of all men, that my own hatred only bore about its fair proportion to the general detestation with which he was regarded. It cannot be expressed, O judges, it cannot even be imagined, how much wickedness, how much mischief there was in that man.

Moreover, attend to me with this idea, O judges. This investigation relates to the death of Publius Clodius. Imagine in your minds—for our thoughts are free, and contemplate whatever they choose in such a manner that we do discern those things which we think we see—place, therefore, before your mind's eye the image of this my condition; if I am able to induce you to acquit Milo, but still only on condition of Publius Clodius being restored to life. What fear is that that you show

by your countenances? How would he affect you if alive, when even now that he is dead he has so agitated you by the bare thought of him? What? if Cnæus Pompeius himself, who is a man of such virtue and such good fortune that he has at all times been able to do things which no one except him ever could have done—if even he, I say, had been able, in the same manner as he has ordered an investigation into the death of Publius Clodius to take place, so also to raise him from the dead, which do you think he would have preferred to do? Even if out of friendship he had been willing to raise him from the shades below, out of regard for the republic he would not have done it. You, then, are sitting now as avengers of the death of that man, whom you would not restore to life if you thought it possible that his life could be restored by you. And this investigation is appointed to be made into the death of a man who would never have seen such a law passed, if the law which ordered the inquiry had been able to restore him to life. Ought, then, the slayer of this man, if any such slayer there be, to have any reason, while confessing the deed, to fear punishment at the hand of those men whom he delivered by the deed?

Grecian nations give the honors of the gods to those men who have slain tyrants. What have I not seen at Athens? what in the other cities of Greece? What divine honors have I not seen paid to such men? What odes, what songs have I not heard in their praise? They are almost consecrated to immortality in the memories and worship of men. And will you not only abstain from conferring any honors on the saviour of so great a people, and the avenger of such enormous wickedness, but will you even allow him to be borne off for punishment? He would confess; I say, if he had done it, he would confess with a high and willing spirit that he had done it for the sake of the general liberty; a thing which would certainly deserve not only to be confessed by him, but even to be boasted of.

In truth, if he does not deny an action from which he seeks no advantage beyond being pardoned for having done it, would he hesitate to avow an action for which he would be entitled to claim rewards? Unless indeed he thinks it more pleasing to you to look upon him as having been the defender of his own life, rather than of you; especially as from that confession, if you were to choose to be grateful, he would reap the very high-

est honors. If his action were not approved of by you (although, how is it possible that anyone should not approve of what secured his own safety?), but still, if the virtue of a most gallant man had happened to be at all unpleasing to his fellow-citizens, then with a lofty and firm mind he would depart from an ungrateful city. For what could be more ungrateful than for all other men to be rejoicing, and for him alone to be mourning, to whom it was owing that the rest were rejoicing? Although we have all at all times been of this disposition with respect to crushing traitors to our country—that since the glory would be ours, we should consider the danger and the unpopularity ours also. For what praise should I have deserved to have given to me, when I showed so much courage in my consulship on behalf of you and of your children, if I had supposed that I could venture on the exploits which I was attempting without very great struggles and dangers to myself? What woman is there who would not dare to slay a wicked and mischievous citizen, if she was not afraid of the danger of the attempt? But the man who, though unpopularity, and death, and punishment are before his eyes, still ventures to defend the republic with no less alacrity than if no such evils threatened him, he deserves to be considered really a man.

It behooves a grateful people to reward those citizens who have deserved well of the republic; it is the part of a brave man, not to be so moved even by execution itself, as to repent of having acted bravely. Wherefore, Titus Annius may well make the same confession which Ahala made, which Nasica, which Opimius, which Marius, which we ourselves have made; and then, if the republic were grateful, he would rejoice; if ungrateful, then, though under the pressure of heavy misfortune, he would still be supported by his own conscience.

But, O judges, the fortune of the Roman people, and your felicity, and the immortal gods, all think that they are entitled to your gratitude for this service which has been thus done to you. Nor, indeed, can anyone think otherwise except it be a man who thinks that there is no such thing at all as any divine power or authority—a man who is neither moved by the vastness of your empire, nor by that sun above us, nor by the motions of heaven and of the stars, nor by the vicissitudes and regular order of things, nor (and that is the greatest thing of all) by the

wisdom of our ancestors; who both themselves cultivated with the most holy reverence the sacred rites and religious ceremonies and auspices, and also handed them down to us their posterity to be so cultivated by us.

There is, there is indeed, such a heavenly power. It is not the truth, that in these bodies and in this feebleness of ours there is something which is vigorous and endued with feeling, and nothing which is so in this vast and beautiful movement of nature. Unless perhaps some people think that there is no such thing in existence because it is not apparent, nor visible; just as if we were able to see our own mind—that by which we are wise, by which we have foresight, by which we do and say these very things which we are doing and saying; or as if we could plainly feel what sort of thing it is, or where it is. That divine power, that very same divine power which has often brought incredible prosperity and power to this city, has extinguished and destroyed this mischief; by first of all inspiring it with the idea of venturing to irritate by violence and to attack with the sword the bravest of men, and so leading it on to be defeated by the man whom if it had only been able to defeat it would have enjoyed endless license and impunity. That result was brought about, O judges, not by human wisdom, nor even by any moderate degree of care on the part of the immortal gods. In truth, those very holy places themselves which beheld that monster fall, appear to have been moved themselves, and to have asserted their rights over him.

I implore you, I call you to witness—you, I say, O ye Alban hills and groves, and you, O ye altars of the Albans, now overthrown, but nevertheless partners of and equals in honor with the sacred rites of the Roman people—ye, whom that man with headlong insanity, having cut down and destroyed the most holy groves, had overwhelmed with his insane masses of buildings; it was your power then that prevailed, it was the divinity of your altars, the religious reverence due to you, and which he had profaned by every sort of wickedness, that prevailed; and you, too, O sacred Jupiter of Latium, whose lakes and groves and boundaries he had constantly polluted with every sort of abominable wickedness and debauchery, you at last, from your high and holy mountain, opened your eyes for the purpose of punishing him; it is to you, to all of you, that those

punishments, late indeed, but still just and well deserved, have been made an atonement for his wickedness.

Unless, perchance, we are to say that it was by accident that it happened that it was before the very shrine of the good goddess which is in the farm of Titus Sextus Gallius, a most honorable and accomplished young man—before the good goddess herself, I say, that when he had begun the battle, he received that first wound under which he gave up that foul soul of his; so that he did not seem to have been acquitted in that iniquitous trial, but only to have been reserved for this conspicuous punishment.

Nor, indeed, did that same anger of the gods abstain from inflicting the very same insanity on his satellites, so that without the images of his ancestors, without any funeral song or funeral games, without any obsequies, any lamentation, or any panegyric—without, in short, any funeral at all, smeared over with gore and mud, and deprived even of the honors which are paid to everyone on that last day, and which even enemies are wont to allow to a man, he was cast out in the street half burnt. It was not right, I suppose, for the effigies of most illustrious men to confer any honor on that most foul parricide; nor was there any place in which it was more seemly that his corpse should be ill-treated than that where his life had been condemned.

I swear to you, the fortune of the Roman people appeared to me hard and cruel, while it for so many years beheld and endured that man triumphing over the republic. He had polluted the holiest religious observances with his debauchery; he had broken the most authoritative decrees of the Senate; he had openly bought himself from the judges with money; he had harassed the Senate in his tribuneship; he had rescinded acts which had been passed for the sake of the safety of the republic, by the consent of all orders of the state; he had driven me from my country; he had plundered my property; he had burnt my house; he had ill-treated my children and my wife; he had declared a wicked war against Cnæus Pompeius; he had made slaughter of magistrates and private individuals; he had burnt the house of my brother; he had laid waste Etruria; he had driven numbers of men from their homes and their professions. He kept pursuing and oppressing men; the whole state,

all Italy, all the provinces, all foreign kingdoms could not contain his frenzy. Laws were already being drawn up in his house which were to hand us over to the power of our slaves. There was nothing belonging to anyone, which he had taken a fancy to, which he did not think would become his in the course of this year. No one was an obstacle to his expectations except Milo; the very man who was most able to be an obstacle to them he thought when he returned again would be reconciled and, as it were, bound to him. The power of Cæsar, he said, was all his own. The inclinations of all good men he had treated with contempt, while accomplishing my ruin. Milo alone weighed on his mind.

On this the immortal gods, as I have said before, put into the head of that abandoned and frantic man the idea of laying an ambush for Milo. That pest was not to perish any other way; the republic would never have chastened him by her laws. The Senate, I suppose, would have been able to restrain him when prætor. Why, it had not been able to do anything when it tried to restrain him while a private individual. Would the consuls have been vigorous in bridling a prætor? In the first place, if Milo had been slain, he would have had his own consuls. Secondly, what consul would have behaved fearlessly against him as prætor, who remembered that he, when tribune, had offered the most cruel injuries to the virtue of the consuls? He would have oppressed everything; he would have taken possession and held possession of everything. By a new law, the draft of which was found in his house, with the rest of the Clodian laws, he would have made all our slaves his own freedmen. Lastly, if the immortal gods had not inspired him with such ideas that he, an effeminate creature, attempted to slay a most gallant man, you would have no republic at all this day. Would that man when prætor, much more when consul, provided only that these temples and these walls could have stood so long if he had been alive, and could have remained till his consulship; would he, I say, if alive, have done no harm, when even after he was dead he burned the senate-house, one of his satellites, Sextus Clodius, being the ringleader in the tumult? What more miserable, more grievous, more bitter sight have we ever seen than that? that that temple of sanctity, of honor, of wisdom, of the public council, the head of the city, the altar

of the allies, the harbor of all nations, the abode granted by the universal Roman people to one of the orders of the state, should be burnt, profaned, and destroyed?[13] and that that should be done, not by an ignorant mob, although that would have been a miserable thing, but by one single person? who, if he dared so much in his character of burner of a dead man, what would he not have done as standard-bearer of a living one? He selected the senate-house, of all the places in the city, to throw him down in, in order that when dead he might burn what he had overturned while alive.

And are there men, then, who complain of what took place in the Appian road, and say nothing of what happened in the senate-house? and who think that the forum could have been defended from him when alive, whose very corpse the senate-house was unable to resist? Arouse the man himself; resuscitate him, if you can, from the shades below. Will you be able to check his violence when alive, when you were hardly able to support his fury while he lies unburied? unless, indeed, you did support the sight of those men who ran with firebrands to the senate-house, with scythes to the temple of Castor, and who ranged over the whole forum sword in hand. You saw the Roman people slaughtered, you saw the assembly disturbed by the drawn swords, while Marcus Cœlius, a tribune of the people, was listened to in silence, a man of the greatest courage in the affairs of state, of the greatest firmness in any cause which he undertook, wholly devoted to the service of the virtuous part of the citizens, and to the authority of the Senate, and in this—shall I say unpopularity, or misfortune of Milo's? behaving with singular, and godlike, and incredible good faith.

But I have said enough about the cause; and, perhaps, too much that was foreign to the cause. What remains, except for me to pray and entreat you, O judges, to show that mercy to a most gallant man, which he himself does not implore; but which I, even against his will, implore and demand in his behalf? Do not, if amid the tears of all of us you have seen no tears shed by Milo—if you see his countenance always the same, his voice and language steady and unaltered—do not, on that account, be the less inclined to spare him. I know not whether he does not deserve to be assisted all the more on that account.

[13] See note 4 on page 205.

In truth, if in the battles of gladiators, and in the case of men of the very lowest class and condition and fortune, we are accustomed to dislike those who are timid and suppliant, and who pray to be allowed to live, and if we wish to save those who are brave and courageous, and who offer themselves cheerfully to death; and if we feel more pity for those men who do not ask our pity, than for those who entreat it; how much more ought we to nourish those feelings in the case of our bravest citizens? As for me, O judges, I am dispirited and almost killed by those expressions of Milo, which I hear continually, and at the utterance of which I am daily present: "May my fellow-citizens fare well," says he; "may they fare well. May they be safe, and prosperous, and happy; may this illustrious city, and my country, which I love so well, long endure, however it may treat me; may my fellow-citizens (since I may not enjoy it with them) enjoy the republic in tranquillity without me, but still in consequence of my conduct, I will submit, and depart; if it cannot be allowed me to enjoy a virtuous republic, at least I shall be at a distance from a bad one; and the first well-regulated and free city that I arrive at, in that will I rest. Oh, how vain," says he, "are the labors which I have undertaken! Oh, how fallacious have been my hopes! Oh, how empty all my thoughts! When as tribune of the people, when the republic was oppressed, I had devoted myself to the Senate, which, when I came into office, was utterly extinct; and to the Roman knights, whose power was enfeebled, and to the virtuous part of the citizens, who had given up all their authority under the arms of Clodius; could I ever have thought that I should fail to find protection from the citizens? When I had restored you" (for he very frequently converses with me and addresses me) "to your country, could I ever suppose that I myself should have no place in my country? Where now is the Senate which we followed? where are those Roman knights, those knights," says he, "so devoted to you? where is the zeal of the municipal towns? where is the voice of Italy? what, above all, has become of that voice of yours, O Marcus Tullius, which has been an assistance to many; what has become of your voice and defensive eloquence? am I the only person whom it is unable to help, I who have so often exposed myself to death for your sake?"

Nor does he say these things to me, O judges, weeping, as I

now repeat them; but with the same unmoved countenance that you behold. For he says, he never did all the things which he had done for citizens who are ungrateful; ungrateful, he says, they are not. That they are timid, and thinking too much of every danger he does not deny. He says that he treated the common people, and that multitude of the lower class which, while they had Publius Clodius for their leader, threatened the safety of all of you, in such a way, in order to render all your lives more secure; that he not only subdued it by his virtue, but won it over at the expense of three estates which he inherited. Nor has he any apprehension that, while he was conciliating the common people by his liberality, he was not also securing your attachment by his singular services to the republic. He says that the good-will of the Senate toward him has been repeatedly experienced by him in the times that have lately gone by; and that he shall carry with him, and ever retain in his recollection, the way in which you and all your order flocked to meet him, the zeal you showed in his behalf, and the kindness of your language to him, whatever may be the destiny which fortune allots to him. He remembers, also, that the voice of the crier, proclaiming his triumph, was the only thing wanting to him; but that he was declared consul by the unanimous vote of the people, and that was the great object of his ambition. And now if all these things are to go against him, it will be only the suspicion of guilt, not the reality of any crime which has injured him. He adds this, which is unquestionably true; that brave and wise men are not in the habit of setting their hearts so much on the rewards for virtuous conduct, as on the fact of their conduct being so; that he has never acted throughout his life in any but the most honorable manner, since there can be nothing better for a man to do than to deliver his country from dangers; that those men are happy for whom such conduct procures honor among their fellow-citizens, but yet, that those men are not miserable who have exceeded their fellow-citizens in good deeds. Moreover, that of all the rewards of virtue, if one is to make an estimate of the different rewards, the most honorable of all is glory; that this is the only reward which can make amends for the shortness of life, by the recollection of posterity; which can cause us while absent to be present, when dead to be still alive; that this is the thing by the steps of which men appear to mount even to heaven.

" Concerning me," says he, " the Roman people and all nations will be continually talking. The remotest ages will never be silent about me. Even at this very time when the firebrands of envy are being hurled against me by my enemies, still I am celebrated in every company of men, who express their thanks to me, who congratulate themselves on my conduct, who make me the sole topic of their conversation. I say nothing of the days of festival, and sacrifice, and joyful celebration in Etruria. This is the hundredth, or I rather think the hundred and first day since the death of Publius Clodius; a day on which, wherever the boundaries of the Roman Empire extend, there did not only the report of, but the joy caused by that occurrence penetrate. Wherefore," said he, " I am not anxious as to where this body of mine may be; since the glory of my name already is and always will be in every country upon earth."

This is what you have constantly said to me, O Milo, when these men who hear me now have been absent; but this is what I say to you when they are present to listen. I cannot, indeed, praise you sufficiently for being of such a spirit as you are; but the more godlike that virtue of yours is, the greater is the pain which I feel at being separated from you. Nor, indeed, if you are taken from me, will the complaints, which are all that is left to me, do anything to comfort me, or to prevent my being angry with those men from whom I have received so severe a blow. For it is not my enemies who will tear you from me, but those who are my greatest friends. It is not men who have at times deserved ill at my hands, but those who have always deserved exceedingly well. You never, O judges, will inflict such grief upon me (although, what grief can be so great as this?), but you will never inflict this particular grief upon me, of forcing me to forget how greatly you have always regarded me. And if you, yourselves, have forgotten it, or if any part of my conduct has offended you, why do you not make me atone for that offence rather than Milo? For I shall have lived gloriously enough if I die before seeing any such great misfortune happen to him.

At present one consolation supports me, that no exertion that affection, or that zeal, or that gratitude could possibly make has been wanting on my part to promote your interest, O Titus Annius. For your sake I have courted the enmity of

powerful citizens; I have repeatedly exposed my person and my life to the weapons of your enemies; I have thrown myself as a suppliant at the feet of many for your sake; I have considered my fortunes and those of my children as united with yours in the time of your necessities. Lastly, on this very day, if any violence is prepared against you, or any struggle, or any danger of death, I claim my share in that. What remains now? What is there that I can say, or that I can do in return for your services to me, except considering whatever fortune is yours mine also? I do not object, I do not refuse so to consider it. And I entreat you, O judges, either to add to the kindnesses which you have already conferred on me by granting me this man's safety, or else to take notice that they will all perish in his fall.

These tears of mine have no effect on Milo. He is of an incredible strength of mind. He thinks that any place where there is no room for virtue is a place of banishment; and death he considers the end appointed by nature, and not a punishment. Let him continue to cherish these ideas in which he was born. What will you think yourselves, O judges? What will be your feelings? Will you preserve the recollection of Milo, and drive away the man himself? And will you allow any place in the whole earth to be more worthy to receive this virtue of his than this place which produced him? You, you, I appeal to you, O you brave men, who have shed much of your blood for the sake of the republic. I appeal to you, O centurions, and to you, O soldiers, in this time of danger to a brave man and an invincible citizen. While you are not only looking on, but armed, and standing as guards around this court of justice, shall this mighty virtue be driven from the city, be banished, be cast out?

Oh, miserable man that I am! Oh, unhappy man that I am! Were you, O Milo, able through the instrumentality of these men to recall me to my country, and cannot I through the agency of the very same men even retain you in yours? What answer shall I make to my children, who consider you a second father? What answer shall I make to you, O my brother Quintus, you who are now absent, you who were my companion in that cruel time? Shall I reply that I was unable to preserve the safety of Milo by the instrumentality of those very men by

whose means he had preserved mine? And what is the cause in which I shall have failed to do so? One which is sanctioned by all the nations of the earth. From whom must I say that I failed to procure it? From those very men who of all others have gained the greatest tranquillity by the death of Publius Clodius. And who will it be who has entreated in vain? I. What great wickedness is it that I planned, what enormous crime did I commit, O judges, when I traced out, and laid open, and revealed, and forever crushed those beginnings and signs of the general destruction that was intended? For that is the spring from which all the distresses of myself and my friends arise. Why did you wish me to return to my country? Was it in order that I might look on while those men were being driven out, by whose efforts I had been restored? Do not, I entreat you, suffer my return to be more miserable than even my departure was. For how can I think that I have been restored if I am torn from those men by whom I was restored?

Would that the immortal gods had granted (I must entreat your permission to say it, O my country, for I fear lest it should be a wicked wish as far as you are concerned, though it may be a pious one for Milo)—would that they had granted that Publius Clodius should not only be alive, but should even be prætor, consul, dictator, rather than I should see his sight! O ye immortal gods, before I should see this brave man, this man who deserves to be saved by you, O judges, in this plight! "Say not so, say not so," says Milo. "Rather let him have suffered the penalty which he deserved, and let us, if so it must be, suffer what we have not deserved."

Shall this man, born for his country, die in any other land except his country? or, as it may perchance turn out, for his country? Will you preserve the monuments of this man's courage, and yet allow no sepulchre containing his body to exist in Italy? Will anyone by his vote banish this man from this city, when all other cities will gladly invite him to them if he is driven out from among you? O happy will that land be which shall receive him! Ungrateful will this land be if it banishes him; miserable if it loses him.

However, I must make an end. Nor, indeed, can I speak any longer for weeping; and this man forbids me to defend him by tears. I pray and entreat you, O judges, when you are giv-

ing your votes, to dare to decide as you think just. And believe me that man [14] will be sure greatly to approve of your virtue, and justice, and good faith; who, in selecting the judges, selected all the best, and wisest, and most fearless men whom he could find.[15]

[14] Cnæus Pompeius.

[15] Milo, as has been said before, was convicted by a majority of thirty-eight to thirteen, though Cato voted openly for his acquittal. He went into exile to Marseilles. Some years afterward, A.U.C. 706, Cœlius, when prætor, recalled him from banishment, and endeavored to raise some public commotion in favor of Pompey, between whom and Cæsar (who was in his second consulship) the civil war was just breaking out. But he and Cœlius were both killed by the soldiers with whom they were tampering.

SPEECH
IN DEFENCE OF
CAIUS RABIRIUS POSTUMUS

THE ARGUMENT

When Gabinius, the colleague of Piso, returned from his province of Syria, he was prosecuted on two indictments; in the first prosecution Cicero appeared as a witness against him; but he was acquitted, as Cicero says in his letters to his brother Quintus, in consequence of the stupidity of Lentulus, the prosecutor, and the great exertion of Pompey, and the corruption of the judges. In the second prosecution Cicero was prevailed on by Pompey to defend him; but he was condemned to perpetual banishment.

The trial of Caius Rabirius Postumus, a Roman knight, arose out of that trial of Gabinius. It had been one of the articles against him, that he had received an enormous sum for restoring Ptolemy to his kingdom of Egypt; but when he was convicted, his estate was found inadequate to meet the damages which he was condemned to pay, and the deficiency was now demanded from those through whose hands the management of his money affairs had passed, and who were supposed to have been sharers in the spoil; and of these men the chief was Rabirius, who was now accused of having advised Gabinius to undertake Ptolemy's restoration; of having accompanied him; of having been employed by him to solicit the payment of the money, and of having lived at Alexandria for that purpose in the king's service as the public receiver of the king's taxes, and wearing the dress of an Egyptian. The prosecution was instituted under the provisions of the Lex Julia, concerning extortion and peculation. It was conducted by Caius Memmius Gemellus. Rabirius was acquitted; and, though it was to please Pompey that Cicero had undertaken his defence, he afterwards attached himself to Cæsar, and was employed by him in the war in Africa and in Sicily.

SPEECH
IN DEFENCE OF CAIUS RABIRIUS POSTUMUS

IF there is anyone, O judges, who thinks Caius Rabirius to be blamed for having intrusted his securely founded and well-established fortunes to the power and caprice of a sovereign, he may back his opinion by a reference not only to mine, but also to the feelings of the man himself who did so. For there is no one who is more grieved at the line of conduct which he then adopted than he is himself. Although we are very much in the habit of judging of the wisdom of a plan by the result, and of saying that the man whose designs have succeeded has shown a great deal of foresight, and that he who has failed has shown none at all. If the king had had any honesty, nothing would have been considered more sagacious than the conduct of Postumus; but because the king deceived him he is said to have acted as madly as possible; so that it appears now that nothing is a proof of a man being wise, unless he can foresee the future.

But still, if there be anyone who thinks that Postumus's conduct, whether it proceeded from a vain hope, or from a not sufficiently considered calculation, or (to use the strongest possible terms) from pure rashness, deserves to be blamed, I will not object to his entertaining that opinion. But I do beg this, that as he sees that his designs have been punished with the greatest cruelty by fortune herself, he will not think it necessary to add any additional bitterness to the ruin with which he is already overwhelmed. It is quite enough not to help to set men up again who have fallen through imprudence; but to press down those already fallen, or to increase their impetus when falling, is unquestionably most barbarous. Especially, O judges, when this principle is almost implanted by nature in the race of man, that those men who are of a family

which considerable glory has already distinguished, should with the greatest eagerness pursue the same path as their ancestors, seeing that the virtue of their fathers is celebrated in the recollection and conversation of all men; just as not only did Scipio imitate Paullus in his renown gained by military exploits; not only did his son imitate Maximus; but his own son also imitated Decius in the devotion of his life, and the exact manner of his death. Let small things, O judges, be compared in this way to great things.

For, when we were children, this man's father, Caius Curius, was a most gallant chief of the equestrian order, and a most extensive farmer of the public revenues, a man whose greatness of spirit as displayed in carrying on his business men would not have so greatly esteemed, if an incredible kindness had not also distinguished him; so that while increasing his property, he seemed not so much to be seeking to gratify his avarice, as to procure additional means for exerting his kindness. My client, being this man's son, although he had never seen his father, still under the guidance of nature herself—who is a very powerful guide—and instigated by the continual conversation of everyone in his family, was naturally led on to adopt a similar line of conduct to that of his father. He engaged in extensive business. He entered into many contracts. He took a great share of the public revenues. He trusted different nations. His transactions spread over many provinces. He devoted himself also to the service of kings. He had already previously lent a large sum of money to this very king of Alexandria; and in the mean time he never ceased enriching his friends; sending them on commissions; giving them a share in his contracts; increasing their estates, or supporting them with his credit. Why need I say more? He gave a faithful representation of his father's career and habits of life in his own magnanimity and liberality.

In the mean time, Ptolemæus being expelled from his kingdom with treachery, with evil designs (as the Sibyl said, an expression of which Postumus found out the meaning) came to Rome. This unhappy man lent him money, as he was in want and asked for it; and that was not the first time (for he had lent him money before while he was king, without seeing him). And he thought that he was not lending his money

rashly, because no one doubted that he would be restored to his kingdom by the Senate and people of Rome. But he went still farther in making him presents and loans. And he lent him not his own money only, but also that of his friends. A very foolish thing to do—who denies it? at all events, who is there who does not now remind him of it? How could one think that a sensible proceeding which has turned out ill? But it is difficult not to carry out to the end a line of conduct which one has begun with sanguine hopes.

The king was a suppliant to him. He asked him every sort of favor; he promised him every sort of recompense. So that Postumus was at last compelled to fear that he might lose what he had already lent, if he put a stop to his loans. But no one could possibly be more affable, no one could be more kind than the king; so that it was easier to repent having begun to lend than to find out how to stop.

Here first rises a charge against my client. They say that the Senate was bribed. O ye immortal gods! is this that much-desired impartiality of the courts of justice? Those who have bribed us are put on their trial, we who have been bribed are exposed to no such dangers. What, then, shall I do? Shall I here defend the Senate, O judges? I ought, indeed, to do so here and everywhere, so well has that body deserved at my hands. But that is not the question at the present moment; nor is that affair in the least connected with the cause of Postumus. Although money was supplied by Postumus for the expense of his journey, and for the splendor of his appointments, and for the royal retinue, and though contracts were drawn up in the Alban villa of Cnæus Pompeius when he left Rome; still he who supplied the money had no right to ask on what he who received the money was spending it. For he was lending it not to a robber, but to a king; nor to a king who was an enemy of the Roman people, but to him whose return to his kingdom he saw was granted to him by the Senate, and intrusted to the consul to provide for; nor to a king who was a stranger to this empire, but to one with whom he had seen a treaty made in the Capitol.

But if the man who lends money is to blame, and not the man who has made a scandalous use of the money which has been lent to him, then let that man be condemned who has

made a sword and sold it, and not the man who with that sword has slain a citizen. Wherefore, neither you, O Caius Memmius, ought to wish the Senate, to support the authority of which you have devoted yourself from your youth upward, to labor under such disrepute, nor ought I to speak in defence of conduct which is not the subject of the present inquiry. For the cause of Postumus, whatever it is, is at all events unconnected with the cause of the Senate. And if I show that it has no connection with Gabinius either, then certainly you will have not a leg to stand upon.

For this cause is an inquiry, "What has become of the money?" a sort of appendix as it were to an action which has been already decided, and in which a man has been convicted. An action was brought successfully against Aulus Gabinius, and he was condemned in damages; but no securities were given for the payment of them, nor did the people get out of his property a sum sufficient for the payment of those damages. The law is impartial. The Julian law orders that requisition should be made on those who received the money which the culprit may have obtained. If this is a new provision in the Julian law—as there are many clauses of a severer and stricter tendency than those which are found in the ancient laws—let us also have this new description of tribunal before which to prosecute the inquiry. But if this clause is transferred word for word not only from the Cornelian law but from the Servilian law, which is older still; then, in the name of the immortal gods, what is it that we are doing, O judges? Or what is this new principle of new legal proceedings that we are introducing into the republic? For the ancient mode of proceeding was well known to all of you, and if practice is the best of teachers it ought to be known to me above all men. For I have prosecuted men for extortion and peculation; I have sat as judge; I have conducted inquiries as prætor; I have defended many men; there is no step in such proceedings which can give a man any facility in speaking in which I have not taken a part.

This is what I assert: That no one ever was put on his trial on the formula, "What had become of that money," who had not been summoned as a witness on the action for damages. But in the action in this instance, no one was summoned ex-

cept in consequence of something said by witnesses, or something which appeared in the accounts of private individuals, or in the accounts of the cities. Therefore, when actions were being brought, those men were usually present who had some apprehension about themselves; and then when they were summoned, then, if they thought it advantageous for them, they proceeded at once to contradict what had been said. But if they were afraid of unpopularity, because the facts in question were recent, they answered at some future time; and when they had done this, many of them gained their object.

But this is quite a novel way of managing business, and one utterly unheard of before this time. In the previous action Postumus's name never once occurs. In the action, do I say? You yourselves, O judges, lately sat as judges on Aulus Gabinius. Did any one witness then mention Postumus? Any witness? did ever the prosecutor name him? Did you, in short, in the whole of that trial once hear the name of Postumus?

Postumus, then, is not an additional criminal implicated in the cause which has been already decided. But still one Roman knight has been dragged before the court as a defendant, on a charge of extortion and peculation. On what account-books is this charge founded? On some which were not read on the trial of Aulus Gabinius. By what witness is it suported? By someone who never once mentioned his name at that time. On the sentence of what arbitrator do they reply? On one in which no mention whatever was made of Postumus. In accordance with the provisions of what law? Of one under which he is not liable.

Here now, O judges, the affair is one which has need of all your acuteness and of all your good sense. For you ought to consider what it is becoming to you to do, and not what is lawful for you. For if you ask what is lawful, you certainly have the power to remove anyone whom you please out of the city. It is the voting tablet which gives you that power; and at the same time it conceals the capricious exercise of it. No one has any need to fear the consciousness of the tablet, if he has no reverence for his own conscience. Where, then, is the wisdom of the judge shown? In this, that he considers not only what he has the power to do, but also what he ought

to do; and he does not recollect only what power has been committed to him, but also to what extent it has been committed. You have a tablet given you on which to record your judgment. According to what law? To the Julian law about extortion and peculation. Concerning what defendant? Concerning a Roman knight. But that body is not liable to the operation of that law. But now I hear what you say. Postumus, then, is prosecuted under that law, from the operation of which not only he, but his whole order, is released and wholly free.

Here I will not at present implore your aid, O Roman knights—you whose privileges are attacked by this prosecution—before I implore you, O senators, whose good faith toward this order of knights is at stake; that good faith which has been often experienced before, and which has been lately proved in this very cause. For when—when that most virtuous and admirable consul Cnæus Pompeius made a motion with respect to this very inquiry—some, but very few, unfavorable opinions were delivered, which voted that prefects, and scribes, and all the retinue of magistrates were liable to the provisions of this law, you—you yourselves, I say—and the Senate, in a very full house, resisted this; and although at that time, on account of the offences committed by many men, people's minds were inflamed so that even innocent people were in danger, still, though you could not wholly extinguish its unpopularity, at all events you would not allow fuel to be added to the existing fire.

In this spirit did the Senate act. What next? What are you, O Roman knights, what are you about to do, I pray? Glaucia, a profligate but still a shrewd man, was in the habit of warning the people when any law was being read to attend to the first line of it. If the first word was "dictator, consul, prætor, master of the horse," then not to trouble themselves about it; they might know that it was no concern of theirs. But if it began "Whoever after the passing of this law," then they had better take care that they were not made liable to any new judicial proceedings.

Now do you, O Roman knights, take care. You know that I was born of your order; that all my feelings have always been enlisted in your cause. I say nothing of what I am now

saying but with the deepest anxiety and the greatest regard for your order. Other men may be attached to other men and to other orders; I have always been devoted to you. I warn you, I forewarn you; I give you notice while the affair and the cause are still undecided; I call all men and gods to witness. While you have it in your power, while it is lawful for you, beware lest you establish for yourselves and for your order a harder condition than you may be able to bear. This evil (believe me) will crawl on and extend further than you fancy.

When a most powerful and noble tribune of the people, Marcus Drusus, proposed one formula of inquiry affecting the equestrian order—"If anyone had taken money on account of a judicial decision"—the Roman knights openly resisted it. Why? Did they wish to be allowed to act in such a manner? Far from it. They thought this cause of receiving money not only shameful, but actually impious. But they argued in this way: that those men only ought to be made liable to the operation of any law, who of their own judgment submitted to such conditions of life. "The highest rank," say they, "in the state is a great pleasure; and the curule chair, and the fasces, and supreme command, and a province, and priesthoods, and triumphs, and even the fact of having an image to keep alive the recollection of one with posterity. There is also some anxiety mingled with this pleasure, and a greater apprehension of laws and of trials. We have never despised those considerations" (for so they argued); "but we have adopted this tranquil and easy kind of life, which, because it does not bring honors with it, is also free from annoyance." "You are just as much a judge as I am a senator." "Just so, but you sought for the one honor, and I am compelled to accept of the other; wherefore, it ought to be lawful for me either to decline being a judge, or else I ought not to be subject to any new law which ought properly to regulate only the conduct of senators." Will you, O Roman knights, abandon this privilege which you have received from your fathers? I warn you not to do so. Men will be hurried before these courts of justice, not only whenever they fall into all deserved unpopularity, but whenever spiteful people say a word against them, if you do not take care to prevent it. If it were now told you that opinions were pronounced in the Senate that you

should be liable to be proceeded against under these laws, you would think it necessary to run in crowds to the senate-house. If the law was passed, you would throng to the rostra. The Senate has decided that you are exempt from the operation of this law; the people has never subjected you to it; you have met together here free from it; take care that you do not depart entangled in its toils.

For if it was imputed as a crime to Postumus, who was neither a tribune, nor a prefect, nor one of his companions from Italy, nor even a friend of Gabinius's, how will these men hereafter defend themselves, who, being of your order, have been implicated with our magistrates in these causes?

"You," says the prosecutor, "instigated to Gabinius to restore the king." My own good faith does not allow me to speak with severity of Gabinius. For after having been reconciled to him, and given up that most bitter hostility with which I regarded him, and after having defended him with the greatest zeal, I ought not to attack him now that he is in distress. And even if the influence of Cnæus Pompeius had not reconciled me to him while he was in prosperity, his own disasters would do so now. But still, when you say that Gabinius went to Alexandria at the instigation of Postumus, if you place no confidence in what was alleged in the defence of Gabinius, do you forget also what you stated in your own speech for the prosecution? Gabinius said that he did that for the sake of the republic, because he was afraid of the fleet of Archelaus—because he thought that otherwise the sea would be entirely full of pirates. He said, moreover, that he was authorized to do so by a law. You, his enemy, deny that. I pardon your denial, and so much the more because the decision was contrary to the statement of Gabinius.

I return, therefore, to the charge, and to your speech for the prosecution. Why did you keep crying out that ten thousand talents had been promised to Gabinius? I suppose it was necessary to find out a very civil man indeed, who should be able to prevail on one whom you call the most avaricious of men, not to despise immoderately two hundred and forty millions of sesterces. Whatever may have been the intention with which Gabinius acted, it certainly was his own unsuggested intention. Whatever sort of idea it was, it was Gabinius's

own. Whether, as he said himself, his object was glory, or whether, as you insist, it was money, it was for himself that he sought it. Had Gabinius any companion or attendant? He says, no. For he had departed from Rome in deference to the authority, not of Gabinius, whose business it was not, but of Publius Lentulus, a most illustrious man, given to him by the Senate, and with a definite design, and with very sanguine hopes.

But he was the king's steward. Ay, and he was in the king's prison, and his life was nearly taken away. He bore many things besides, which the caprice of the king and necessity compelled him to endure. So that all these matters come under one single reproach, that he entered his kingdom, and that he intrusted himself to the power of the king. A very foolish action, if we must say the truth. For what can be more foolish than for a Roman knight, a man of this city, I say, a citizen of this republic, which, of all others, is, and always has been, most especially free, to go into a place where he is forced to obey and be the steward of another?

But, nevertheless, may I not pardon this in Postumus, who is not a man of much learning, when I see that the very wisest men have fallen into the same error? We have heard that that great man, beyond all comparison the most learned man that all Greece ever produced, Plato, was in the greatest danger, and was exposed to the most treacherous designs by the wickedness of Dionysius, the tyrant of Sicily, to whom he had trusted himself. We know that Callisthenes, a very learned man, the companion of Alexander the Great, was slain by Alexander. We know that Demetrius—he, too, being a citizen of the free republic of Athens, the affairs of which he had conducted with the greatest ability, and being also a man eminent for, and deeply impressed with, learning—the one I mean, who was surnamed Phalereus, was deprived of his life in that self-same kingdom of Egypt, having had an asp applied to his body. I plainly confess that nothing more insane can be done, than for a man willingly to come into a place where he will lose his liberty. But the still greater folly which he had already committed is his excuse for the folly of this subsequent conduct; for that causes this most stupid action, the act, I mean, of going into the kingdom, and of trusting himself to the

king, to appear a wise and sensible step. At all events, it is not so much the act of one who is forever a fool, as one who is wise too late, after he has got into difficulties through his folly, to endeavor to release himself by whatever means he can. Let, then, that be regarded as a fixed and certain point, which can neither be moved nor changed, in which those who look fairly at the matter say that Postumus had entertained hopes, those who are unfavorable to him say that he made a blunder, and he himself confesses that he acted like a madman, in lending his own money, and that of his friends, to the king, to the great danger of his own fortunes; still, when this had once been begun, it was necessary to endure these other evils, in order, at last, to reunite himself to his friends. Therefore, you may reproach him as often as you please with having worn an Egyptian robe, and with having had about him other ornaments which are not worn by a Roman citizen. For every time that you mention any one of these particulars, you are only repeating that same thing—that he lent money rashly to the king, and that he trusted his fortunes and his character to the royal caprice. He did so rashly, I confess it; but the case could not possibly be changed then; either he was forced to put on an Egyptian cloak at Alexandria, in order afterward to be able to wear his gown at Rome; or, if he retained his gown in Egypt, he must have discarded all hope of recovering his fortunes.

For the sake of luxury and pleasure we have often seen, not only ordinary Roman citizens, but youths of high birth, and even some senators, men born in the highest rank, wearing little caps, not in their country-seats or their suburban villas, but at Naples, in a much-frequented town. We have even seen Lucius Sylla, that great commander, in a cloak. And you can now see the statue of Lucius Scipio, who conducted the war in Asia, and defeated Antiochus, standing in the Capitol, not only with a cloak, but also with Grecian slippers. And yet these men not only were not liable to be tried for wearing them, but they were not even talked about; and, at all events, the excuse of necessity will be a more valid defence for Publius Rutilius Rufus; for when he had been caught at Mitylene by Mithridates, he avoided the cruelty with which the king treated all who wore the Roman gown, by changing

his apparel. Therefore, that Rutilius, who was a pattern to our citizens of virtue, and of the ancient dignity, and of prudence, and a man of consular rank, put on slippers and a cloak. Nor did anyone think of reproaching the man with having done so, but all imputed it to the necessity of the time. And shall that garment bring an accusation upon Postumus, which afforded him a hope that he might at some time or other recover his fortune?

For when he came to Alexandria to Auletes,[1] O judges, this one means of saving his money was proposed to Postumus by the king—namely, that he should undertake the management, and, as it were, the stewardship of the royal revenues. And he could not do that unless he became the steward. For he uses that title which had been given to the office by the king. The business seemed an odious one to Postumus, but he had actually no power of declining it. The name itself, too, was annoying; but the business had that name of old among those people, it was not now newly imposed by the king. He detested also that dress, but without it he could neither have the title nor fill his office. Therefore, I say, that he was compelled by force to act as he did—by force which, as our great poet says—

"Breaks and subdues the loftiest dignity."

He should have died, you will say; for that is the alternative. And so he would have done, if, while his affairs were in such a state of embarrassment, he could have died without the greatest disgrace.

Do not, then, impute his hard fortune to him as a fault; do not think the injury done to him by the king his crime; do not judge of his intentions by the compulsions under which he was, nor of his inclination by the force to which he submitted. Unless, indeed, you think those men deserving of reproach who have fallen among enemies or among thieves, and who then act differently under compulsion from what they would if they were free. No one of us is ignorant, even if we have had no personal experience of it, of the mode of proceeding adopted by a king. These are the orders given by kings: "Take notice," "Obey orders," "Do not complain when you are not

[1] Ptolemæus was surnamed Auletes.

asked." These are their threats: "If I catch you here to-morrow, you shall die." Expressions which we ought to read and consider, not only for the purpose of being amused by them, but in order to learn to beware of their authors, and to avoid them.

But from the circumstance of this employment itself another charge arises. For the prosecutor says, that while Postumus was collecting the money for Gabinius, he also amassed money for himself out of the tenths belonging to the generals. I do not quite understand what this charge means; whether Postumus is charged with having made an addition of one per cent. to the tenth, as our own collectors are in the habit of doing, or whether he deducted that sum from the total amount of the tenths. If he made that addition, then eleven thousand talents came to Gabinius. But not only was the amount mentioned by you ten thousand talents, but that also was the sum at which it was estimated by them. I add this consideration also. How can it be likely, that when the burden of the tributes was already so heavy, an addition of one thousand talents could be made to so large a sum which was to be collected? or that, when a man, a most avaricious man as you make him out, was to receive so large a reward, he would put up with a diminution of a thousand talents? For it was not like Gabinius, to give up so vast a portion of what he had a right to; nor was it natural for the king to allow him to impose so great an additional tax on his subjects. Witnesses will be produced, deputies from Alexandria. They have not said a word against Gabinius. Nay, they have even praised Gabinius. Where, then, is that custom; what has become of the usages of courts of justice? Where are your precedents? Is it usual to produce a witness to give evidence against a man who has been the collector of money, when he has not been able to say a word against the man in whose name the money was collected? Nay more; if it is usual to produce a man who has said nothing, is it usual to produce one who has spoken in his praise? Is it not customary rather to look on such a cause as already decided, and to think that it is sufficient to read the previous evidence of the witnesses, without producing the men themselves?

And this intimate companion and friend of mine says also that the men of Alexandria had the same reason for prais-

ing Gabinius that I had for defending him. My reason, O Caius Memmius, for defending him was, that I had become reconciled to him. Nor do I repent of considering my friendships immortal, but my enmities mortal. For if you think that I defended him against my will, because I did not like to offend Pompeius, you are very ignorant both of his character and of mine. For Pompeius would not have wished me to do anything contrary to my inclination for his sake. Nor would I, to whom the liberty of all the citizens has always been the dearest object, ever have abandoned my own. As long as I was on terms of the greatest enmity to Gabinius, Pompeius was in no respect the less my dearest friend. Nor after I had made to his authority that concession to which it was entitled from me, did I feign anything; I could not behave with treachery so as to injure the very man whom I had just been obliging. For by refusing to be reconciled to my enemy, I was doing no harm to Pompeius; but if I had allowed him to reconcile us, and yet had myself been reconciled to Gabinius with a treacherous intention, I should have behaved dishonestly, principally, indeed, to myself, but in the next degree to him also.

But, however, I will say no more about myself. Let us return to those Alexandrians. What a face those men have! What audacity! The other day, when we were present at the trial of Gabinius, they were cross-examined at every third word they said. They declared that the money had not been given to Gabinius. The evidence of Pompeius was read at the same time, to the effect that he had written to the king that no money had been given to Gabinius except for military purposes. "At that time," says the prosecutor, "the judges refused to believe the Alexandrians." What does he say next? "Now they do believe them." Why so? "Because they now affirm what they then denied." What of that? Is this the way in which we are to regard witnesses —to refuse them belief when they deny a thing, but to believe the very same men when they affirm a thing? But if they told the truth then, when they spoke with every appearance of truth, they are telling lies now. If they told lies then, they must give us good proof that they are now speaking the truth. Why need I say more? Let them hold their tongues.

We have heard men speak of Alexandria before. Now we know it from our own experience. Thence it is, that every sort of chicanery comes. Thence, I say, comes every sort of deceit. It is from that people that all the plots of the farce-writers are derived. And, indeed, there is nothing which I wish for more, O judges, than to see the witnesses face to face.

They gave their evidence a little while ago before this tribunal, at the same time that we ourselves did. With what effrontery did they then repudiate the charge of this ten thousand talents! You are acquainted by this time with the absurd ways of the Greeks. They shrugged their shoulders at that time, I suppose, in respect of the existing emergency; but now there is no such necessity. When anyone has once perjured himself he cannot be believed afterward, not even if he swears by more gods than he did before; especially, O judges, when in trials of this sort there is not usually any room for a new witness; and on that account the same judges are retained who were judges in the case of the original defendant, because everything is already known to them, and nothing new can be invented.

Actions on the formula, "What has become of that money?" are usually decided, not by any proceedings taken especially with reference to them, but by those which were adopted in the case of the original defendant. Therefore, if Gabinius had either given sureties, or if the people had got as large a sum out of his property as the damages amounted to, then, however large a sum had been obtained from him by Postumus, none would have been demanded back again. So that it may easily be seen, that in a case of this sort, the money is only demanded back again from anyone who has been clearly proved in the former action to have become possessed of it, But at present what is the question under discussion? Where in the world are we? What can be either said or imagined so unprecedented, so unsuitable, so preposterous as this? That man is being prosecuted who did not receive any money from the king, as it has been decided that Gabinius did, but who lent a vast sum of money to the king. Therefore, he gave it to Gabinius, as he certainly did not repay it to Postumus. Tell me now, I beg, since the man who owed Postumus money did not pay it to him, but gave money to Gabinius, now that Ga-

binius is condemned has he paid him back that money, or does he owe it to him still?

"Oh, but Postumus has the money, and is hiding it." For there are men who talk in this way. What a strange sort of ostentation and vain-gloriousness is this! If he had never originally had anything, still, if he had acquired a fortune, there could be no reason why he should conceal his having it. But in the case of a man who had inherited two ample and splendid patrimonial estates, and who had, moreover, increased his property by legitimate and honorable means, what reason could there possibly be why he should wish to be supposed to have nothing? Are we to believe that, when he was induced by the hope of interest to lend his money, his object was to have as large an estate as possible, but that after he had got back the money which he had lent, he then wished to be thought to be in want? He is certainly aiming at quite a new sort of glory. "And again," says the prosecutor, "he acted in a very arbitrary manner at Alexandria." I should rather say he was treated in a most arbitrary, ay, in a most insolent manner; he himself had to endure imprisonment. He saw his intimate friends thrown into prison. Death was constantly before his eyes. And at last, naked and needy, he fled from the kingdom. "But his money was employed in commerce in other quarters. We have heard that ships belonging to Postumus arrived at Puteoli, and merchandise belonging to him was seen there, things only showy and of no real value, made of paper, and linen, and glass; and there were several ships entirely filled with such articles; but there was also one little ship, the contents of which were not known." That voyage to Puteoli (such was the conversation at that time), and the course taken by the crew, and the parade they made, and the fact, too, of the name of Postumus being rather unpopular with some spiteful people, on account of some idea or other respecting his money, filled in one summer numbers of ears with those topics of conversation.

But if, O judges, you wish to know the truth—if the liberality of Caius Cæsar, which is very great to everyone, had not been quite incredible toward my client, we should long since have ceased to have Postumus among us in the forum. He by himself, took upon himself the burden of many of Pos-

tumus's friends; and those responsibilities, which during the prosperity of Postumus many of his friends supported by dividing them, now that he is unfortunate, Cæsar supports the whole of. You see, O judges, the shadow and phantom of a Roman knight, preserved by the assistance and good faith of one single friend. Nothing can be taken from him except this image of his former dignity, and that Cæsar by himself preserves and maintains. And that, even amid his greatest distresses, is still to be attributed to him in an eminent degree.

Unless, indeed, this can be effected by a moderate degree of virtue, that so just a man as Cæsar should think this my client of so much consequence, especially now that he is in distress and absent, and while he himself is in the enjoyment of such splendid fortune that it is a great thing for him to give a thought to the fortunes of others; while he is so incessantly busied about the mighty achievements which he has performed and is still performing, that it would be no wonder if he forgot other people altogether; and even if he afterward recollected that he had forgotten them, he would easily find excuse for so doing.

I have, indeed, before now, become acquainted with many virtues of Caius Cæsar, great and incredible virtues. But those other virtues of his are suited as it were to a more extensive theatre, are what I may almost call virtues to catch the eye of the people. To select a place for a camp, to array an army, to storm cities, to put to flight the army of the enemy, to endure the severity of cold and bad weather, which we can hardly support sheltered by the houses of this city; at this very time[2] to be pursuing the enemy, at a time when even the wild beasts hide themselves in their lurking-places, and when all wars are suspended by the general consent of nations; these are great deeds: who denies it? But still they are prompted by vast rewards, being handed down to the eternal recollection of men. So that there is less reason to wonder at a man's performing them who is ambitious of immortality.

This is wonderful praise, which is not celebrated by the verses of poets, nor by the records of annals, but is estimated by the judgments of wise men. He took up the cause of a

[2] This trial took place in January.

Roman knight, his own ancient friend, one zealous for, attached and devoted to himself, who was getting involved in difficulties; not through licentiousness, nor through any discreditable expense and waste to gratify his passions, but through an honest endeavor to increase his fortune; he would not allow him to fall; he propped him up and supported him with his estate, his fortune, and his good faith, and he supports him to this day. Nor will he allow his friend, trembling in the balance as he is, to fall; nor does the splendor of his own reputation at all dazzle his eyes, nor does the height of his own position and of his own renown at all obscure the piercing vision of his mind. Grant that those achievements of his are great things, as in truth they are; everyone else may agree with my opinion or not, as he pleases, for I, amid all his power and all his good fortune, prefer this liberality of his toward his friends, and his recollection of old friendship, to all the rest of his virtues. And you, O judges, ought not only not to despise or to regret this goodness of so novel a kind, so unusual in illustrious and pre-eminently powerful men, but even to embrace and increase it; and so much the more, because you see that these days have been taken for the purpose of, as it were, undermining his dignity; from which nothing can be taken which he will not either bravely bear, or easily replace. But if he hears that his dearest friend has been stripped of his honorable position, that he will not endure without just indignation; and yet he will not have lost what he can have no possible hope of ever recovering.

These arguments ought to be quite sufficient for men who are of a just disposition; and more than sufficient for you, who we feel sure are men of the greatest justice. But, in order fully to satisfy everybody's suspicions or malevolence, or even cruelty, we will take this statement too. "Postumus is hiding his money; the king's riches are concealed." Is there any one of all this people who would like to have all the property of Caius Rabirius Postumus knocked down to him for one single sesterce?[3] But, miserable man that I am! with what great pain do I say this: Come, Postumus, are you the son of Caius Curius, the son, as far as his judgment and inclination go, of Caius Rabirius, not in reality and by nature

[3] Those who bought a property took it with all its liabilities.

the son of his sister? Are you the man who is so liberal to all his relations; whose kindness has enriched many men; who has never wasted anything; who has never spent any money on any profligacy? and all your property, O Postumus, knocked down by me for one single sesterce? Oh, how miserable and bitter is my office as an auctioneer! But he, miserable man, even wishes to be convicted by you; and to have his property sold, so that everyone may be repaid his principal. He has no concern about anything except his own good faith. Nor will you, if you should, in his case, think fit to forget your habitual humanity, be able to take from him anything beyond his property. But, O judges, I beg and entreat you not to forget that usual course of yours, and so much the more as in this instance money which he has nothing to do with is being claimed of a man who is not even repaid his own. Odium is sought to be stirred up against a man who ought to find an ally in the general pity.

But now, since, as I hope, I have discharged as well as I have been able to, the obligations of good faith to you, O Postumus, I will give you also the aid of my tears, as I well may; for I saw abundant tears shed by you at the time of my own misfortune. That miserable night is constantly present to the eyes of all my friends, on which you came to me with your forces, and devoted yourself wholly to me. You supported me at that time of my departure with your companions, with your protection, and even as much gold as that time would admit of. During the time of my absence you were never deficient in comforting and aiding my children, or my wife. I can produce many men who have been recalled from banishment as witnesses of your liberality; conduct which I have often heard was of the greatest assistance to your father, whose behavior was like your own, when he was tried for his life. But at present I am afraid of everything: I dread even the unpopularity which your very kindness of disposition may provoke. Already the weeping of so many men as we behold indicates how beloved you are by your own relations; but, as for me, grief enfeebles and stifles my voice. I do entreat you, O judges, do not deprive this most excellent man, than whom no more virtuous man has ever lived, of the name of a Roman knight, of the enjoyment of this light, and of the pleasure of

beholding you. He begs nothing else of you, except to be allowed with uplifted eyes to behold this city, and to pace around the forum; a pleasure which fortune would have already deprived him of, if the power of one single friend had not come to his assistance.

SPEECH IN BEHALF OF MARCUS CLAUDIUS MARCELLUS

THE ARGUMENT

Marcus Claudius Marcellus was descended from the most illustrious families at Rome, and had been consul with Servius Sulpicius Rufus; in which office he had given great offence to Cæsar by making a motion in the Senate to deprive him of his command; and in the civil war he espoused the side of Pompeius, and had been present at the battle of Pharsalia, after which he retired to Lesbos. But after some time the whole Senate interceded with Cæsar to pardon him, and to allow him to return to his country. And when he yielded to their entreaties, Cicero made the following speech, thanking Cæsar for his magnanimity; though he had, as he says himself (Ep. Fam. iv. 4), determined to say nothing; but he was afraid that if he continued silent Cæsar would interpret it as a proof that he despaired of the republic.

Cæsar, though he saw the Senate unanimous in their petition for Marcellus, yet had the motion for his pardon put to the vote, and called for the opinion of every individual senator on it. Cicero appears at this time to have believed that Cæsar intended to restore the republic, as he mentions in his letters (Ep. Fam. xiii. 68).

SPEECH IN BEHALF OF MARCUS CLAUDIUS MARCELLUS

THIS day, O conscript fathers, has brought with it an end to the long silence in which I have of late indulged; not out of any fear, but partly from sorrow, partly from modesty; and at the same time it has revived in me my ancient habit of saying what my wishes and opinions are. For I cannot by any means pass over in silence such great humanity, such unprecedented and unheard-of clemency, such moderation in the exercise of supreme and universal power, such incredible and almost godlike wisdom. For now that Marcus Marcellus, O conscript fathers, has been restored to you and the republic, I think that not only his voice and authority are preserved and restored to you and to the republic, but my own also.

For I was concerned, O conscript fathers, and most exceedingly grieved, when I saw such a man as he is, who had espoused the same cause which I myself had, not enjoying the same good fortune as myself; nor was I able to persuade myself to think it right or fair that I should be going on in my usual routine, while that rival and imitator of my zeal and labors, who had been a companion and comrade of mine throughout, was separated from me. Therefore, you, O Caius Cæsar, have reopened to me my former habits of life, which were closed up, and you have raised, as it were, a standard to all these men, as a sort of token to lead them to entertain hopes of the general welfare of the republic. For it was seen by me before in many instances, and especially in my own, and now it is clearly understood by everybody, since you have granted Marcus Marcellus to the Senate and people of Rome, in spite of your recollection of all the injuries you have received at his hands, that you prefer the authority of this order and

the dignity of the republic to the indulgence of your own resentment or your own suspicions.

He, indeed, has this day reaped the greatest possible reward for the virtuous tenor of his previous life; in the great unanimity of the Senate in his favor, and also in your own most dignified and important opinion of him. And from this you, in truth, must perceive what great credit there is in conferring a kindness, when there is such glory to be got even by receiving one. And he, too, is fortunate whose safety is now the cause of scarcely less joy to all other men than it will be to himself when he is informed of it. And this honor was deservedly and most rightfully fallen to his lot. For who is superior to him either in nobleness of birth, or in honesty, or in zeal for virtuous studies, or in purity of life, or in any description whatever of excellence?

No one is blessed with such a stream of genius, no one is endowed with such vigor and richness of eloquence, either as a speaker, or as a writer, as to be able, I will not say to extol, but even, O Caius Cæsar, plainly to relate all your achievements. Nevertheless, I assert, and with your leave I maintain, that in all of them you never gained greater and truer glory than you have acquired this day. I am accustomed often to keep this idea before my eyes, and often to affirm in frequent conversations, that all the exploits of our own generals, all those of foreign nations and of most powerful states, all the mighty deeds of the most illustrious monarchs, can be compared with yours neither in the magnitude of your wars, nor in the number of your battles, nor in the variety of countries which you have conquered, nor in the rapidity of your conquests, nor in the great difference of character with which your wars have been marked; and that those countries the most remote from each other could not be travelled over more rapidly by anyone in a journey, than they have been visited by your, I will not say, journeys, but victories.

And if I were not to admit, that those actions are so great that scarcely any man's mind or comprehension is capable of doing justice to them, I should be very senseless. But there are other actions greater than those. For some people are in the habit of disparaging military glory, and of denying the whole of it to the generals, and of giving the multitude a share

of it also, so that it may not be the peculiar property of the commanders. And, no doubt, in the affairs of war, the valor of the troops, the advantages of situation, the assistance of allies, fleets, and supplies, have great influence; and a most important share in all such transactions, Fortune claims for herself, as of her right; and whatever has been done successfully she considers almost entirely as her own work.

But in this glory, O Caius Cæsar, which you have just earned, you have no partner. The whole of this, however great it may be—and surely it is as great as possible—the whole of it, I say, is your own. The centurion can claim for himself no share of that praise, neither can the prefect, nor the battalion, nor the squadron. Nay, even that very mistress of all human affairs, Fortune herself, cannot thrust herself into any participation in that glory; she yields to you; she confesses that it is all your own, your peculiar private desert. For rashness is never united with wisdom, nor is chance ever admitted to regulate affairs conducted with prudence.

You have subdued nations, savage in their barbarism, countless in their numbers, boundless, if we regard the extent of country peopled by them, and rich in every kind of resource; but still you were only conquering things, the nature and condition of which was such that they could be overcome by force. For there is no strength so great that it cannot be weakened and broken by arms and violence. But to subdue one's inclinations, to master one's angry feelings, to be moderate in the hour of victory, to not merely raise from the ground a prostrate adversary, eminent for noble birth, for genius, and for virtue, but even to increase his previous dignity—they are actions of such a nature, that the man who does them, I do not compare to the most illustrious man, but I consider equal to God.

Therefore, O Caius Cæsar, those military glories of yours will be celebrated not only in our own literature and language, but in those of almost all nations; nor is there any age which will ever be silent about your praises. But still, deeds of that sort, somehow or other, even when they are read, appear to be overwhelmed with the cries of the soldiers and the sound of the trumpets. But when we hear or read of anything which has been done with clemency, with humanity, with justice, with moderation, and with wisdom, especially in a time

of anger, which is very adverse to prudence, and in the hour of victory, which is naturally insolent and haughty, with what ardor are we then inflamed (even if the actions are not such as have really been performed, but are only fabulous), so as often to love those whom we have never seen! But as for you, whom we behold present among us, whose mind, and feelings, and countenance, we at this moment see to be such, that you wish to preserve everything which the fortune of war has left to the republic, oh, with what praises must we extol you? with what zeal must we follow you? with what affection must we devote ourselves to you? The very walls, I declare, the very walls of this senate-house appear to me eager to return you thanks; because, in a short time, you will have restored their ancient authority to this venerable abode of themselves and of their ancestors.

In truth, O conscript fathers, when I just now, in common with you, beheld the tears of Caius Marcellus, a most virtuous man, endowed with a never-to-be-forgotten affection for his brother, the recollection of all the Marcelli presented itself to my heart. For you, O Cæsar, have, by preserving Marcus Marcellus, restored their dignity even to those Marcelli who are dead, and you have saved that most noble family, now reduced to a small number, from perishing. You, therefore, justly prefer this day to all the splendid and innumerable congratulations which at different times have been addressed to you. For this exploit is your own alone; the other achievements which have been performed by you as general, were great indeed, but still they were performed by the agency of a great and numerous band of comrades. But in this exploit you are the general, and you are your own sole comrade: and the act itself is such that no lapse of time will ever put an end to your monuments and trophies; for there is nothing which is wrought by manual labor which time will not sometime or other impair or destroy; but this justice and lenity of yours will every day grow brighter and brighter, so that, in proportion as time takes away from the effect of your deed, in the same degree it will add to your glory. And you had already surpassed all other conquerors in civil wars, in equity, and clemency, but this day you have surpassed even yourself. I fear that this which I am saying cannot, when it is only heard,

be understood as fully as I myself think and feel it; you appear to have surpassed victory itself, since you have remitted in favor of the conquered those things which victory had put in your power. For though by the conditions of the victory itself, we who were conquered were all ruined, we still have been preserved by the deliberate decision of your clemency. You, therefore, deserve to be the only man who is never conquered, since you conquer the conditions and the violent privileges of victory itself.

And, O conscript fathers, remark how widely this decision of Caius Cæsar extends. For by it, all of us who, under the compulsion of some miserable and fatal destiny of the republic, were driven to take up arms as we did, though we are still not free from the fault of having erred as men may, are at all events released from all imputation of wickedness. For when, at your entreaty, he preserved Marcus Marcellus to the republic, he, at the same time, restored me to myself and to the republic though no one entreated him in my favor, and he restored all the other most honorable men who were in the same case to ourselves and to their country; whom you now behold in numbers and dignity present in this very assembly. He has not brought his enemies into the senate-house; but he has decided that the war was undertaken by most of them rather out of ignorance, and because of some ungrounded and empty fear, than out of either any depraved desires or cruelty.

And in that war, I always thought it right to listen to all proposals that gave any hope of peace, and I always grieved, that not only peace, but that even the language of those citizens who asked for peace, should be rejected. For I never approved of either that or of any civil war whatever; and my counsels were always allied to peace and peaceful measures, not to war and arms. I followed the man from my own private feelings, not because of my judgment of his public conduct; and the faithful recollection of the grateful disposition which I cherish had so much influence with me, that though I had not only no desire for victory, but no hope even of it, I rushed on, knowingly, and with my eyes open, as it were, to a voluntary death. And, indeed, my sentiments in the matter were not at all concealed; for in this assembly, before any decisive steps were taken either way, I said many things in

favor of peace, and even while the war was going on I retained the same opinions, even at the risk of my life.[1] And from this fact, no one will form so unjust an opinion as to doubt what Cæsar's own inclination respecting the war was, when, the moment that it was in his power, he declared his opinion in favor of saving the advisers of peace, but showed his anger against the others. And, perhaps, that was not very strange at a time when the event of the war was still uncertain, and its fortune still undecided. But he who, when victorious, attaches himself to the advisers of peace, plainly declares that he would have preferred having no war at all even to conquering.

And in this matter I myself am a witness in favor of Marcus Marcellus. For as our opinions have at all times agreed in time of peace, so did they then in respect of that war. How often have I seen him affected with the deepest grief at the insolence of certain men, and dreading also the ferocity of victory! On which account your liberality, O Caius Cæsar, ought to be more acceptable to us who have seen those things. For now we may compare, not the causes of the two parties together, but the use which each would have made of victory. We have seen your victory terminated at once by the result of your battles; we have seen no sword unsheathed in the city. The citizens whom we have lost were stricken down by the force of Mars, not by evil feelings let loose by victory; so that no man can doubt that Caius Cæsar would even raise many from the dead if that were possible, since he does preserve all those of that army that he can.

But of the other party I will say no more than what we were all afraid of at the time, namely, that theirs would have been too angry a victory. For some of them were in the habit of indulging in threats not only against those of their enemies who were in arms, but even against those who remained quiet; and they used to say that the matter to be considered was not what each man had thought, but where he had been.

[1] Cicero was not present at the battle of Pharsalia, but remained at Dyrrachium, vexed at his advice being totally disregarded. Cato also remained at Dyrrachium. When Labienus brought them the news of Pompey's defeat, Cato offered Cicero the command, as the superior in dignity; and Plutarch relates, that on his refusal of it, young Pompey was so enraged, that he would have killed him on the spot if Cato had not prevented him. And this is what Middleton (who quotes the sentence in the text) thinks that Cicero is alluding to here.

So that it appears to me that the immortal gods, even if they were inflicting punishment on the Roman people for some offense, when they stirred up so serious and melancholy a civil war, are at length appeased, or at all events satiated, and have now made all our hopes of safety depend on the clemency and wisdom of the conqueror.

Rejoice, then, in that admirable and virtuous disposition of yours; and enjoy not only your fortune and glory, but also your own natural good qualities, and amiable inclinations and manners; for those are the things which produce the greatest fruit and pleasure to a wise man. When you call to mind your other achievements, although you will often congratulate yourself on your valor, still you will often have reason to thank your good fortune also. But as often as you think of us whom you have chosen to live safely in the republic as well as yourself, you will be thinking at the same time of your own exceeding kindness, of your own incredible liberality, of your own unexampled wisdom; qualities which I will venture to call not only the greatest, but the only real blessings. For there is so much splendor in genuine glory, so much dignity in magnanimity and real practical wisdom, that these qualities appear to be given to a man by virtue, while all other advantages seem only lent to him by fortune.

Be not wearied then in the preservation of virtuous men; especially of those who have fallen, not from any evil desires, or depravity of disposition, but merely from an opinion of their duty—a foolish and erroneous one perhaps, but certainly not a wicked one—and because they were misled by imaginary claims which they fancied the republic had on them. For it is no fault of yours if some people were afraid of you; and, on the other hand, it is your greatest praise that they have now felt that they had no reason to fear you.

But now I come to those severe complaints, and to those most terrible suspicions that you have given utterance to; of dangers which should be guarded against not more by you yourself than by all the citizens, and most especially by us who have been preserved by you. And although I trust that the suspicion is an ungrounded one, still I will not speak so as to make light of it. For caution for you is caution for ourselves. So that, if we must err on one side or the other, I

would rather appear too fearful, than not sufficiently prudent. But still, who is there so frantic? Anyone of your own friends? And yet who are more your friends than those to whom you have restored safety which they did not venture to hope for? Anyone of that number who were with you? It is not credible that any man should be so insane as not to prefer the life of that man who was his general when he obtained the greatest advantages of all sorts, to his own. But if your friends have no thoughts of wickedness, need you take precautions lest your enemies may be entertaining such? Who are they? For all those men who were your enemies have either already lost their lives through their obstinacy, or else have preserved them through your mercy; so that either none of your enemies survive, or those who do survive are your most devoted friends.

But still, as there are so many hiding-places and so many dark corners in men's minds, let us increase your suspicions, for by so doing we shall at the same time increase your diligence. For who is there so ignorant of everything, so very new to the affairs of the republic, so entirely destitute of thought either for his own or for the general safety, as not to understand that his own safety is bound up with yours? that the lives of all men depend on your single existence? I myself, in truth, while I think of you day and night—as I ought to do—fear only the chances to which all men are liable, and the uncertain events of health and the frail tenure of our common nature, and I grieve that, while the republic ought to be immortal, it depends wholly on the life of one mortal man. But if to the chances of human life and the uncertain condition of man's health there were to be added also any conspiracy of wickedness and treachery, then what god should we think able to assist the republic, even if he were to desire to do so?

All things, O Caius Cæsar, which you now see lying stricken and prostrate—as it was inevitable that they should be—through the violence of war, must now be raised up again by you alone. The courts of justice must be reëstablished, confidence must be restored, licentiousness must be repressed, the increase of population must be encouraged, everything which has become lax and disordered must be braced up and strengthened by strict laws. In so vast a civil war, when

there was such ardor of feeling and of warlike preparation on both sides, it was impossible but that—whatever the ultimate result of the war might be—the republic which had been violently shaken by it should lose many ornaments of its dignity and many bulwarks of its security, and that each general should do many things while in arms, which he would have forbidden to have been done while clad in the garb of peace. And all those wounds of war thus inflicted now require your attention, and there is no one except you who is able to heal them. Therefore, I was concerned when I heard that celebrated and wise saying of yours, "I have lived long enough to satisfy either nature or glory." Sufficiently long, if you please, for nature, and I will add, if you like, for glory; but, which is of the greatest consequence of all, certainly not long enough for your country.

Give up then, I entreat you, that wisdom of learned men shown in their contempt of death; do not be wise at our expense. For it has often come to my ears that you are in the habit of using that expression much too frequently—that you have lived long enough for yourself. I dare say you have; but I could only be willing to hear you say so if you lived for yourself alone, or if you had been born for yourself alone. But as it is, as your exploits have brought the safety of all the citizens and the entire republic to a dependence on you, you are so far from having completed your greatest labors, that you have not even laid the foundations which you design to lay. And will you then limit your life, not by the welfare of the republic, but by the tranquillity of your own mind? What will you do, if that is not even sufficient for your glory, of which—wise men though you be—you will not deny that you are exceedingly desirous? "Is it then," you will say, "but small glory that we shall leave behind us? It may, indeed, be sufficient for others, however many they may be, and insufficient for you alone. For whatever it is, however ample it may be, it certainly is insufficient, as long as there is anything greater still. And if, O Caius Cæsar, this was to be the result of your immortal achievements, that after conquering all your enemies, you were to leave the republic in the state in which it now is; then beware, I beg of you, lest your virtue should earn admiration rather than solid glory;

since the glory which is illustrious and which is celebrated abroad, is the fame of many and great services done either to one's own friends, or to one's country, or to the whole race of mankind.

This, then, is the part which remains to you; this is the cause which you have before you; this is what you must now labor at —to settle the republic, and to enjoy it yourself, as the first of its citizens, in the greatest tranquillity and peacefulness. And then, if you please, when you have discharged the obligations which you owe to your country, and when you have satisfied nature herself with the devotion of your life, then you may say that you have lived long enough. For what is the meaning of this very word "long" when applied to what has an end? And when the end comes, then all past pleasure is to be accounted as nothing, because there is none to come after it. Although that spirit of yours has never been content with this narrow space which nature has afforded us to live in; but has always been inflamed with a desire of immortality. Nor is this to be considered your life which is contained in your body and in your breath. That—that, I say, is your life, which will flourish in the memory of all ages; which posterity will cherish; which eternity itself will always preserve. This is what you must be subservient to; it is to this that you ought to display yourself; which indeed has long ago had many actions of yours to admire, and which now is expecting some which it may also praise.

Unquestionably, posterity will stand amazed when they hear and read of your military commands; of the provinces which you have added to the empire; of the Rhine, of the ocean, of the Nile, all made subject to us; of your countless battles, of your incredible victories, of your innumerable monuments and triumphs. But unless this city is now securely settled by your counsels and by your institutions, your name will indeed be talked about very extensively, but your glory will have no secure abode, no sure home in which to repose. There will be also among those who shall be born hereafter, as there has been among us, great disputes, when some with their praises will extol your exploits to the skies, and others, perhaps, will miss something in them—and that, too, the most important thing of all—unless you extinguish the conflagration of civil

war by the safety of the country, so that the one shall appear to have been the effect of destiny and the other the work of your own practical wisdom. Have regard, then, to those judges who will judge you many ages afterward, and who will very likely judge you more honestly than we can. For their judgment will be unbiased by affection or by ambition, and at the same time it will be untainted by hatred or by envy. And even if it will be incapable of affecting you at that time (which is the false opinion held by some men), at all events, it concerns you now to conduct yourself in such a manner that no oblivion shall ever be able to obscure your praises.

The inclinations of the citizens have been very diverse, and their opinions much distracted; for we showed our variance, not only by our counsels and desires, but by arms and warlike operations. And there was no obscurity in the designs of, and contention between, the most illustrious generals: many doubted which was the best side; many, what was expedient for themselves; many, what was becoming; some even felt uncertain as to what it was in their power to do. The republic has at last come to the end of this miserable and fatal war; that man has been victorious who has not allowed his animosities to be inflamed by good fortune, but who has mitigated them by the goodness of his disposition; and who did not consider all those with whom he was displeased deserving on that account of exile or of death. Arms were laid aside by some, were wrested from the hands of others. He is an ungrateful and an unjust citizen, who, when released from the danger of arms, still retains, as it were, an armed spirit, so that that man is better who fell in battle, who spent his life in the cause. For that which seems obstinacy to some people may appear constancy in others. But now all dissension is crushed by the arms and extinguished by the justice of the conqueror; it only remains for all men for the future to be animated by one wish, all at least who have not only any wisdom at all, but who are at all in their senses. Unless you, O Caius Cæsar, continue safe, and also in the same sentiments as you have displayed on previous occasions, and on this day most eminently, we can not be safe either. Wherefore we all—we who wish this constitution and these things around us to be safe—exhort and entreat you to take care of your own life, to consult your own

safety; and we all promise to you (that I may say also on behalf of others what I feel respecting myself), since you think that there is still something concealed, against which it is necessary to guard—we promise you, I say, not only our vigilance and our wariness also to assist in those precautions, but we promise to oppose our sides and our bodies as a shield against every danger which can threaten you.

But let my speech end with the same sentiment as it began. We all, O Caius Cæsar, render you the greatest thanks, and we feel even deeper gratitude that we express; for all feel the same thing, as you might have perceived from the entreaties and tears of all. But because it is not necessary for all of them to stand up and say so, they wish it at all events that by me, who am forced in some degree to rise and speak, should be expressed both all that they feel, and all that is becoming, and all that I myself consider due to Marcus Marcellus, who is thus by you restored to this order, and to the Roman people, and to the republic. For I feel that all men are exulting, not in the safety of one individual alone, but in the general safety of all. And as it becomes the greatest possible affection, such as I was always well known by all men to have toward him, so that I scarcely yielded to Caius Marcellus, his most excellent and affectionate brother, and certainly to no one except him, that love for him which I displayed by my solicitude, by my anxiety, and my exertions, as long as there was a doubt of his safety, I certainly ought to display at this present time, now that I am relieved from my great care and distress and misery on his account.

Therefore, O Caius Cæsar, I thank you, as if—though I have not only been preserved in every sort of manner, but also loaded with distinctions by you—still, by this action of yours, a crowning kindness of the greatest importance was added to the already innumerable benefits which you have heaped upon me, which I did not before believe were capable of any augmentation.

SPEECH
IN DEFENCE OF QUINTUS LIGARIUS

THE ARGUMENT

Quintus Ligarius was a Roman knight, who had been one of the lieutenants of Considius, the proconsul of Africa, and one of Pompey's partisans, and as such had borne arms against Cæsar in Africa, on which account he had gone into voluntary exile, to get out of the reach of the conqueror. But his two brothers had been on Cæsar's side, and had joined Pansa and Cicero in interceding with Cæsar to pardon him. While Cæsar was hesitating, Quintus Tubero, who was an ancient enemy of his, knowing that Cæsar was very unwilling to restore him (for Ligarius was a great lover of liberty), impeached him as having behaved with great violence in the prosecution of the African War against Cæsar, who privately encouraged this proceeding, and ordered the action to be tried in the forum, where he sat in person as judge to decide it; and so determined was he against Ligarius, that he is said to have brought the sentence of condemnation with him into court, already drawn up and formally signed and sealed. But he was prevailed upon by Cicero's eloquence, which extorted from him a verdict of acquittal against his will; and he afterward pardoned Ligarius and allowed him to return to Rome. Ligarius afterwards became a great friend of Brutus, and joined him in the conspiracy against Cæsar.

SPEECH IN DEFENCE OF QUINTUS LIGARIUS

IT is a new crime, and one never heard of before this day, O Caius Cæsar, which my relation Quintus Tubero has brought before you, when he accuses Quintus Ligarius with having been in Africa; and that charge Caius Panso, a man of eminent genius, relying perhaps on that intimacy with you which he enjoys, has ventured to confess. Therfore I do not know which way I had best proceed. For I had come prepared, as you did not know that fact of your own knowledge, and could not have heard it from any other quarter, to abuse your ignorance in order to further the safety of a miserable man. But, however, since that which was previously unknown has been ferreted out by the diligence of his enemy, we must, I suppose, confess the truth; especially as my dear friend Caius Pansa has so acted that it would not now be in my power to deny it. Therefore, abandoning all dispute of the fact, all my speech must be addressed to your mercy; by which many have already been preserved, having besought of you, not a release from all guilt, but pardon from admitted error.

You, therefore, O Tubero, have that which is of all things most desirable for a prosecutor, a defendant who confesses his fault; but still, one who confesses it only so far as he admits that he was of the same party as you yourself, O Tubero, were, and as that man worthy of all praise, your father, also was. Therefore you must inevitably confess yourselves also to be guilty, before you can find fault with any part of the conduct of Ligarius.

Quintus Ligarius, then, at a time when there was no suspicion of war, went as lieutenant into Africa with Caius Considius, in which lieutenancy he made himself so acceptable, both to our citizens there and to our allies, that Considius on departing from the province could not have given satisfaction to those men if he had appointed any one else to govern it. Therefore,

Quintus Ligarius, after refusing it for a long time without effect, took upon himself the government of the province against his will. And while peace lasted he governed it in such a manner that his integrity and good faith were most acceptable both to our citizens and to our allies. On a sudden, war broke out, which those who were in Africa heard of as being actually raging before any rumor of its preparation had reached them. But when they did hear of it, partly out of an inconsiderate eagerness, partly out of some blind apprehension, they sought for some one as a leader, at first only with the object of securing their safety, and afterward with that of indulging their party spirit; while Ligarius, keeping his eyes fixed on home, and wishing to return to his friends, would not allow himself to be implicated in any business of the sort. In the meantime, Publius Attius Varus, who as prætor had obtained the province of Africa, came to Utica. Every one immediately flocked to him, and he seized on the government with no ordinary eagerness, if that may be called government which was conferred on him, while a private individual, by the clamor of an ignorant mob, without the sanction of any public council. Therefore, Ligarius, who was anxious to avoid being mixed up in any transactions of the sort, remained quiet for some time on the arrival of Varus.

Up to this point, O Caius Cæsar, Quintus Ligarius is free from all blame. He left his home, not only not for the purpose of joining in any war, but when there was not even the slightest suspicion of war. Having gone as lieutenant in time of peace, he behaved himself in a most peaceful province in such a manner, that it wished that peace might last forever. Beyond all question, his departure from Rome with such an object ought not to be and cannot be offensive to you. Was, then, his remaining there offensive? Much less. For if it was no discreditable inclination that led to his going thither, it was even an honorable necessity which compelled him to remain. Both these times, then, are free from all fault—the time when he first went as lieutenant, and the time when, having been demanded by the province, he was appointed governor of Africa.

There is a third time: that during which he remained in Africa after the arrival of Varus; and if that is at all criminal, the crime is one of necessity, not of inclination. Would he,

if he could possibly have escaped thence by any means whatever, would he rather have been at Utica than at Rome—with Publius Attius, in preference to his own most united brothers? would he rather have been among strangers, than with his own friends? When his lieutenancy itself had been full of regret and anxiety on account of the extraordinary affection subsisting between him and his brothers, could he possibly remain there with any equanimity when separated from those brothers by the discord of war?

You have, therefore, O Cæsar, no sign as yet of the affections of Quintus Ligarius being alienated from you. And observe, I entreat you, with what good faith I am defending his cause. I am betraying my own by so doing. O the admirable clemency, deserving to be celebrated by all possible praise, and publicity, and writings, and monuments! Marcus Cicero is urging in Ligarius's defense before you, that the inclinations of another were not the same as he admits his own to have been; nor does he fear your silent thoughts, nor is he under any apprehension as to what, while you are hearing of the conduct of another, may occur to you respecting his own.

See how entirely free from fear I am. See how brilliantly the light of your liberality and wisdom rises upon me while speaking before you! As far as I can, I will lift up my voice so that the Roman people may hear me. When the war began, O Cæsar, when it was even very greatly advanced toward its end, I, though compelled by no extraneous force, of my own free judgment and inclination went to join that party which had taken up arms against you. Before whom now am I saying this? Forsooth, before the man who, though he was acquainted with this, nevertheless restored me to the republic before he saw me; who sent letters to me from Egypt, to desire me to behave as I always had behaved; who, when he himself might have been the sole leader of the Roman people in the whole empire, still permitted me to be the other; by whose gift it was (this very Caius Pansa, who is here present, bringing me the news) that I retained the fasces wreathed with laurel, as long as I thought it becoming to retain them at all, and who would not have considered that he was giving me safety at all, if he did not give it me without my being stripped of any of my previous distinctions.

Observe, I pray you, O Tubero, how I, who do not hesitate to speak of my own conduct, do not venture to make any confession with respect to Ligarius: and I have said thus much respecting myself, to induce Tubero to excuse me when I say the same things of him. For I look in the forum on his industry and desire of glory, either on account of the nearness of our relationship, or because I am delighted with his genius and with his earnestness, or because I think that the praises of a young man who is my relative redound somewhat to my own credit. But I ask this, Who is it who thinks that it was any crime in Ligarius to have been in Africa? Why, the very man who himself also wished to be in Africa, and who complains that he was prevented by Ligarius from going there, and who certainly was in arms and fought against Cæsar. For, O Tubero, what was that drawn sword of yours doing in the battle of Pharsalia? against whose side was that sword-point of yours aimed? What was the feeling with which you took up arms? What was your intention? Where were your eyes? your hands? your eagerness of mind? What were you desirous of? What were you wishing for? I am pressing you too hard. The young man appears to be moved. I will return to myself. I also was in arms in the same camp.

But what other object had we, O Tubero, except to be able to do what this man can do now? Shall, then, O Cæsar, the speech of those men spur you on to deeds of cruelty, whose impunity is the great glory of your clemency? And in this cause, in truth, O Tubero, I am somewhat at a loss to discern your usual prudence, but much more so to see the sagacity of your father, since that man, eminent both for genius and erudition, did not perceive what sort of case this was. For if he had perceived it, he would, I doubt not, have preferred that you should conduct it in any manner in the world, rather than as you did.

You are accusing one who confesses the facts which you allege against him. That is not enough. You are accusing one who has a case, as I say, better than your own, or, as you yourself allow, at least as good as yours. This is strange enough; but what I am about to say is a perfect miracle. That accusation of yours does not tend to the point of procuring the condemnation of Quintus Ligarius, but of causing his death. And this is an object which no Roman citizen has ever

pursued before you. That way of acting is quite foreign. It is the hatred of fickle Greeks or of savage barbarians that is usually excited to the pitch of thirsting for blood. For what else is your object? To prevent him from being at Rome? To prevent him of his country? To hinder him from living with his excellent brothers, with this Titus Brocchus, whom you see in court, his uncle, or with Brocchus's son, his cousin? To prevent his appearing in his country? Is that it? Can he be more deprived of all these things than he is already? He is prevented from approaching Italy; he is banished. You, therefore, do not wish to deprive him of his country, of which he already is deprived, but of his life.

But even in the time of that dictator who punished with death every one whom he disliked, no one ever proceeded in that manner to accomplish such an end. He himself ordered men to be slain, without any one asking him; he even invited men to slay them by rewards; and that cruelty of his was avenged some years afterward by this self-same man whom you now wish to become cruel!

"But I am not asking for his death," you will say. I think indeed that you do not intend to do so, O Tubero. For I know you, I know your father, I know your birth and your name, and the pursuits of your race and family; your love of virtue, and civilization, and learning; your many admirable qualities—all are known to me. Therefore I know for a certainty that you are not thirsting for blood, but you give no heed to the effect of your prosecution. For the transaction has this tendency, to make you seem not contented with that punishment under which Quintus Ligarius is at present suffering. What further punishment then is there but death? For if he be in exile, as he is, what more do you require? That he may never be pardoned? But this is much more bitter and much harsher. That which we begged for at his house with prayers and tears, throwing ourselves at his feet, trusting not so much to the strength of our cause as to his humanity, will you now struggle to prevent our obtaining? Will you interrupt our weeping? and will you forbid us to speak, lying at his feet, with the voice of suppliants? If, when we were doing this at his house, as we did, and as I hope we did not do in vain, you had all on a sudden burst in, and had begun to cry out, "O Caius Cæsar, beware

how you pardon, beware how you pity brothers entreating you for the safety of their brother," would you not have renounced all humanity by such conduct? How much harder is this, for you to oppose in the forum what we begged of him in his own house! and while numbers are in this distress, to take away from them the refuge which they might find in his clemency!

I will speak plainly, O Caius Cæsar, what I feel. If in this splendid fortune of yours your lenity had not been as great as you of your own accord—of your own accord, I say (I know well what I am saying), make it, that victory of yours would have been pregnant with the bitterest grief to the state. For how many of the conquering party must have been found who would have wished you to be cruel, when some of even the conquered party are found to wish it! how many who, wishing no one to be pardoned by you, would have thrown obstacles in the way of your clemency, when even those men whom you yourself have pardoned are unwilling that you should be merciful to others!

But if we could prove to Cæsar that Ligarius was actually not in Africa at all, if we wished to save an unfortunate citizen by an honorable and merciful falsehood; still it would not be the act of a man, in a case of such danger and peril to a fellow-citizen, to contradict and refute our falsehood; and if it were decent for anyone else to do so, it would certainly not be so for one who had himself been in the same case and condition. But, however, it is one thing to be unwilling that Cæsar should make a mistake, and another to be unwilling that he should be merciful. Then you would say, "Beware, O Cæsar, of believing all this—Ligarius was in Africa. He did bear arms against you." But now what is it that you say? "Take care you do not pardon him." This is not the language of a man; but he who uses it to you, O Caius Cæsar, will find it an easier matter to abjure his own humanity than to strip you of yours.

And the first beginning, and the first proposition of Tubero, I imagine, was this; that he intended to speak of the wickedness of Quintus Ligarius. I make no doubt that you wondered how it was that no one made this statement respecting some one else, or how it was that he made it who had been in the same condition himself, or what new crime it was which he was bring-

ing forward. Do you call that wickedness, Tubero? Why so? For that cause has not as yet been attacked by that name. Some call it mistake; some call it fear; those who give it a harder name term it hope, ambition, hatred, obstinacy; those who use the hardest language style it rashness. But up to this time no one except you has ever called it wickedness. My own opinion is, if any one seeks for a proper and accurate name for our misfortune, that some disaster sent by destiny descended upon and occupied the improvident minds of men; so that no one ought to wonder that human counsels were overruled by divine necessity.

Let it be allowed to us to be miserable, although that we cannot be when this man is our conqueror. But I am not speaking of those who have perished. Grant that they were ambitious, that they were angry, that they were obstinate men; but still let Cnæus Pompeius, for he is dead, and let many others with him, be free from the imputation of wickedness, of insanity, of parricide. When did any one hear such an expression from you, O Caius Cæsar? or what other object did your arms propose to themselves except the repelling insult from yourself? What was it that was accomplished by that invincible army of yours, beyond the preservation of its own rights, and of your dignity? What? when you were anxious for peace, was it your object to be able to come to terms of agreement with the wicked, or with the virtuous part of the citizens? To me, of a truth, O Cæsar, your services toward me, immense as they are, would certainly not appear so great, if I thought that I had been preserved by you while you considered me a wicked man. And how could you possibly have deserved well of the republic, if you had wished so many wicked men to remain with all their dignity unimpaired? Originally, O Cæsar, you considered that as a secession, not as a declaration of war; you considered it as a demonstration, not of hostile hatred, but of civil dissension, in which both parties desired the safety of the republic, but some departed from measures calculated for the general welfare out of an error of judgment, and some out of party spirit. The dignity of the leaders was nearly on a par; but that of those who followed them was perhaps not quite equal; the justice of the cause, too, was at that time doubtful, because there was something

on each side which deserved to be approved of; but now that is unquestionably entitled to be thought the better cause which even the gods assisted. But now that your clemency is known, who is there who does not think well of that victory, in which no one has fallen except those who fell with arms in their hands?

But to say no more of the general question, let us come to our own individual case. Which do you think was easiest, O Tubero, for Ligarius to depart from Africa, or for you to abstain from coming into Africa? "Could we so abstain," you will say, "after the Senate had voted that we should do so?" If you ask me, I say, certainly not. But still the same Senate had appointed Ligarius lieutenant. And he obeyed them at a time when men were forced to obey the Senate; but you obeyed at a time when no one obeyed them who did not like it. Do I then find fault with you? By no means; for a man of your family, of your name, of your race, of your hereditary principles, could not act otherwise. But I do not grant that you have a right to reprove in others the very same conduct which you boast of in yourselves.

Tubero's lot was drawn in pursuance of a resolution of the Senate when he himself was not present, when he was even hindered by sickness from being present. He had made up his mind to excuse himself. I know all this from the great intimacy which exists between Lucius Tubero and myself; we were brought up together, in our campaigns we were comrades, afterward we became connected by marriage, and throughout the whole of our lives, in short, we have been friends; it has been, moreover, a great bond between us, that we have been devoted to the same studies. I know, therefore, that Tubero wished to remain at home; but there was a person who contrived matters in such a way, who put forth that most holy name of the republic so artfully, that even had his sentiments been different from what they were, he would not have been able to support the weight of his language. He submitted to the authority of a most distinguished man, or, I should rather say, he obeyed him. He went off at the same time with those men who were already embarked in the same cause, but he made his journey slower than they. Therefore, he arrived in Africa when it was already occupied; and from this it is that

the charge against Ligarius, or rather the enmity against him, has its rise. For if it be a crime in him to have wished to hinder you, it is a no less serious one for you to have wished to obtain Africa, the citadel of all the provinces, a land created for the purpose of waging war against this city, than for somebody else to have preferred obtaining it himself—and that somebody was not Ligarius. Varus kept saying that he had the command there; the fasces he certainly had. But however the case, as to that part of it, may be, what weight is there, O Tubero, in this complaint of yours? "We were admitted into the province." Well, suppose you had been admitted? was it your object to deliver it up to Cæsar, or to hold it against Cæsar?

See, O Cæsar, what license, or rather what audacity, your liberality gives us. If Tubero replies that his father would have given up to you that province to which the Senate and the lot which he drew had sent him, I will not hesitate in severe language to reprove that design of his before you yourself, to whose advantage it was that he should do so. For even if the action had been an acceptable one to you, it would not have been thought an honest one by you. But, however, all these topics I will pass over, not so much for fear of offending your most patient ears, as because that I do not wish that Tubero should appear to have been likely to do what he never thought of.

You two came, then, into the province of Africa—the province of all others that was most hostile to the views of this victorious party, in which there was a most powerful king, an enemy to this cause, and in which the inclinations of a large and powerful body of Roman settlers were entirely adverse to it. I ask what you intend to do? Though I do not really doubt what you intended to do, when I see what you have done. You were forbidden to set foot in your province, and forbidden, as you state yourselves, with the greatest insults. How did you bear that? To whom did you carry your complaints of the insults which you had received? Why, to that man whose authority you had followed when you came to join his party in the war. If it had been in Cæsar's cause that you were coming to the province, unquestionably, when excluded from the province, it was to him that you would have gone. But you came

to Pompeius. What is the meaning, then, of this complaint which you now urge before Cæsar, when you accuse that man by whom you complain that you were prevented from waging war against Cæsar? And as to this part of the business you may boast, for all I care, even though it will be falsely, that you would have given the province up to Cæsar, even if you had been forbidden by Varus, and by some others. But I will confess that the fault was all Ligarius's, who deprived you of an opportunity of acquiring so much glory.

But observe, I pray you, O Caius Cæsar, the consistency of that most accomplished man, Lucius Tubero, which even though I thought as highly of it as I do, I still would not mention, if I were not aware that that is a virtue which you are in the habit of praising as much as any. Where, then, was there ever an example of such great consistency in any man? Consistency, do I say? I do not know whether I might not more fitly call it patience. For how few men would have acted in such a manner as to return to that same party by which he had been rejected in a time of civil dissension, and rejected even with cruelty! That is the act of a great mind, and of a man whom no contumely, no violence, and no danger can turn from a side which he has espoused, and from an opinion which he has adopted. Grant that in all other respects Tubero and Varus were on a par, as to honor, that is, and nobleness of birth, and respectability, and genius, which, however, was by no means the case; at all events, Tubero had this great advantage, that he had come to his own province with a legitimate command, in pursuance of a resolution of the Senate. When he was prevented from entering it, he did not betake himself to Cæsar, lest he should appear to be in a passion; he did not go home, lest he should be thought inactive; he did not go into any other district, lest he might seem to condemn that cause which he had espoused. He came into Macedonia to the camp of Cnæus Pompeius, to join that very party by whom he had been repulsed with every circumstance of insult.

What? when that affair had had no effect on the mind of the man to whom you came, you behaved, after that, with a more languid zeal, I suppose, in his cause? You only stayed in some garrison? But your affections were alienated from his cause? Or were we all, as is the case in a civil war, and

not more with respect to you two, than with respect to others —were we all wholly occupied with a desire of victory? I, indeed, was at all times an advocate of peace, but that time I was too late. For it was the part of a madman to think of peace when he saw the hostile army in battle array. We all, every one of us, I say, were eager for victory; you most especially, as you had come into a place where you must inevitably perish if your side were not victorious. Although, as the result now turns out, I make no doubt that you consider your present safety preferable to what would have been the consequences of victory.

I would not say these things, O Tubero, if you had any reason to repent of your consistency, or Cæsar of his kindness. I ask now whether you are seeking to avenge your own injuries, or those of the republic? If those of the republic, what reply can you make with respect to your perseverance in the cause of that other party? If your own, take care that you are not making a great mistake in thinking that Cæsar will be angry with your enemies, after he has pardoned his own.

Do I, then, appear to you, O Cæsar, to be occupied in the cause of Ligarius? Do I appear to be speaking of his conduct? In whatever I said, I have endeavored to refer everything to the leading idea of your humanity, or clemency, or mercy, whichever may be its most proper name. I have, indeed, O Caius Cæsar, pleaded many causes with you, while your pursuit of honors detained you in the forum; but certainly I never pleaded in this way, "Pardon my client, O judges; he has erred, he has tripped, he did not think. He will never offend again." This is the sort of way in which one pleads with a parent; to judges one says, "He never did it, he never thought of it, the witnesses are false, the accusation is false." Say, O Cæsar, that you are sitting as judge on the conduct of Ligarius. Ask me in what garrison he was. I make no reply. I do not even adduce these arguments, which, perhaps, might have weight even with a judge: "He went as a lieutenant before the war broke out; he was left there in time of peace; he was overtaken by the war; in the war itself he was not cruel; he was in disposition and zeal wholly yours." This is the way in which men are in the habit of pleading before a judge. But I am addressing a parent. "I have erred; I have acted rashly; I re-

pent; I flee to your clemency; I beg pardon for my fault; I entreat you to pardon me:" If no one has gained such indulgence from you, it is an arrogant address. But if many have, then do you give us assistance who have already given us hope. Is it possible that Ligarius should have no reason for hope, when I am allowed to approach you even for the purpose of entreating mercy for another? Although the hope which we entertain in this cause does not rest upon this oration of mine, nor on the zeal of those who entreat you for Ligarius, intimate friends of your own.

For I have seen and known what it was that you mainly considered when many men were exerting themselves for anyone's safety; I have seen that the causes of those who were entreating you had more weight with you than the persons of the advocates, and that you considered, not how much the man who was entreating you was your friend, but how much he was the friend of him for whom he was exerting himself. Therefore, you grant your friends so many favors, that they who enjoy your liberality appear to me sometimes to be happier than you yourself who give them so much. But, however, I see, as I said before, that the causes of those who entreat your mercy have more weight with you than the entreaties themselves; and that you are most moved by those men whose grief, which they display in their petitions to you, is the most genuine.

In preserving Quintus Ligarius you will do what will be acceptable to numbers of your intimate friends; but, I entreat you, give weight to the considerations which are accustomed to influence you. I can mention to you most brave men, Sabines, men most highly esteemed by you; and the whole of the Sabine district, the flower of Italy and the chief strength of the republic. You are well acquainted with the men. Observe the sadness and grief of all these men. You see yourself the tears and mourning attire of Titus Brocchus, who is here present, and I am in no doubt as to what your opinion of him is: you see the grief of his son. Why need I speak of the brothers of Ligarius? Do not fancy, O Cæsar, that we are pleading for the life of one individual only. You must either retain all three of the Lagarii in the city, or banish them all three from the city. Any exile is more desirable for them than their own country, their own house, and their own household gods will be, if this

their brother is banished by himself. If they act as brothers should—if they behave with affection and with genuine grief, then let their tears, their affection, and their relationship as brothers move you. Let that expression of yours have weight now which gained the victory; for we heard that you said that we thought all men are enemies but those who were with us; but that you considered all men as your friends who were not actually arrayed against you. Do you see, then, this most respectable band; do you see the whole house of the Brocchi here present, and Lucius Marcius, and Caius Cæsetius, and Lucius Corfidius, and all these Roman knights, who are present here in mourning garments—men who are not only well known to, but highly esteemed by you? They all were with you then; and we were full of anger against them—we were attacking them; some even personally threatened them. Preserve, therefore, their friends to your friends; so that, like everything else which has been said by you, this, too, may be found to be strictly true.

But if you were able to look into the hearts of the Ligarii, so as to see the perfect unanimity which subsists between them, you would think that all the brothers were on your side. Can anyone entertain a doubt that, if Quintus Ligarius had been able to be in Italy, he would also have adopted the same opinions as his brothers adopted? Who is there who is not acquainted with the harmony existing between them, united and molten together, as I may say, by their nearness of age to one another? Who does not feel that anything in the world was more likely than that these brothers should adopt different opinions and embrace different parties? By inclination, therefore, they were all with you. Owing to the necessity of the times, one was separated from you; but he, even if he had done what he did deliberately, would still have been only like those men whom, nevertheless, you have shown yourself desirous to save.

However, grant that he went up of his own accord to the war, and that he departed, not only from you, but also from his brothers. These friends of your own entreat you to pardon him. I, indeed, at the time when I was present at, and mixed up in, all your affairs, remember well what was the behavior of Titus Ligarius at that time, when he was city quæs-

tor, with reference to you and your dignity. But it is of no importance for me to remember this. I hope that you, too, who are not in the habit of forgetting anything, except the injuries which have been done to you, since it is a part of your character, a part of your natural disposition, to do so, while you are thinking of the manner in which he conducted himself [1] in the discharge of his duty as quæstor, and while you remember, too, how some other quæstors behaved, I hope, I say, that you will also recollect this.

This Titus Ligarius, then, who had at that time no other object except to induce you to think him attached to your interests, and a virtuous man also (for he could never foresee these present circumstances), now as a suppliant begs the safety of his brother from you. And when, urged by the recollection of his devotion to you, you have granted that safety to these men, you will by so doing have made a present of three most virtuous and upright brothers, not only to themselves, nor to these men, numerous and respectable as they are, nor to us who are their intimate friends, but also to the republic. That, therefore, which in the case of that most noble and most illustrious man, Marcus Marcellus, you lately did in the senate-house, do now also in the forum with respect to these most virtuous brothers, who are so highly esteemed by all the crowd here present. As you granted him to the Senate, so grant this man to the people, whose affections you have always considered most important to you. And if that day was one most glorious to you, and at the same time most acceptable to the Roman people, do not, I entreat you—do not hesitate to earn the praise of a glory like that as frequently as possible.

For there is nothing so calculated to win the affections of the people as kindness. Of all your many virtues, there is none more admirable, none more beloved than your mercy. For there is no action by which men make a nearer approach to the gods, than by conferring safety on others. Fortune has no greater gifts for you than when it bestows on you the abil-

[1] There is some uncertainty as to what Cicero alludes to here. Most of the commentators think that Ligarius must have been quæstor when Metellus and the rest of his colleagues endeavored to prevent Cæsar from taking the money from the public treasury; but Fabritius objects to this view, that at that time Cicero had no connection with Cæsar's affairs, which is certainly true, while he says here that he had at the time that he alludes to. He thinks, therefore, that Cicero is alluding to what took place in the consulship of Lentulus and Philippus (the year of Cicero's recall), respecting the vote of pay to Cæsar's army in Gaul.

ity—nature has no better endowment for you than when it bestows on you the will, to save as many people as possible. The cause of my client, perhaps, requires a longer speech than this: a shorter one would certainly be sufficient for a man of your natural disposition. Wherefore, as I think it more desirable for you to converse, as it were, with yourself, than for me or anyone else to be speaking to you, I shall now make an end. This only will I remind you of, that if you do grant this protection to him who is absent, you will be giving it also to all these men who are here present.

SPEECH
IN BEHALF OF KING DEIOTARUS

THE ARGUMENT

This speech, like those for Marcellus and Ligarius, was addressel to Cæsar. Deiotarus was king of Galatia, and during Cicero's proconsulship in Cilicia he had formed a friendship with him, and had been of great assistance to him in his campaign against Pacorus and the Parthians. Having been an adherent of Pompey, he had already been deprived of a considerable part of his dominions by Cæsar, and he was now accused by his grandson, who was aware of Cæsar's inveterate dislike of him, of having formed a design against Cæsar's life four years before, when he entertained him in his palace on his return from Egypt. It is probable that Cæsar was aware of the groundlessness of the charge, but countenanced it, and allowed it to be brought before him, in the hopes of finding a pretext for stripping the king of all the rest of his dominions. Brutus espoused Deiotarus's cause very warmly, and went towards Spain to meet Cæsar, and made him a most earnest address in favor of Deiotarus.

The present trial was held in Cæsar's house, and Cicero proved the king's innocence so completely that Cæsar was unable to condemn him; but, as he would not acquit him, he adjourned the further consideration of the matter till he himself could go into the East and investigate the affair on the spot. This speech was delivered in the year of Cæsar's fourth consulship; the year before he was killed.

SPEECH IN BEHALF OF KING DEIOTARUS

IN all causes of more than ordinary importance, O Caius Cæsar, I am accustomed, at the beginning of my speech, to be more vehemently affected than either common custom or my own age appears to require. And in this particular cause I am agitated by so many considerations, that in proportion as my fidelity to my friend inspires me with zeal to defend the safety of King Deiotarus, in the same proportion do my fears take away from my ability to do so. In the first place, I am speaking in defence of the life and fortunes of a king; and although there is no particular injustice in such a fact, especially when it is one's self who is in danger, yet it is so unusual for a king to be tried for his life, that up to this time no such thing has ever been heard of. In the second place, I am compelled now to defend against a most atrocious accusation that very king whom I, in common with all the Senate, used formerly to extol on account of his uninterrupted services toward our republic. There is this further consideration, that I am disturbed by the cruelty of one of the prosecutors, and by the unworthy conduct of the other.

O cruel, not to say wicked and impious, Castor! a grandson, who has brought his grandfather into danger of his life, and has caused that man to dread his youth, whose old age he was bound to defend and protect; who has sought to recommend his entrance into life to our favor by impiety and wickedness; who has instigated his grandfather's slave, whom he corrupted by bribes, to accuse his master, and has carried him away from the feet of the king's ambassadors.

But when I saw the countenance and heard the words of this runaway slave, accusing his master—his absent master—his master, who was a most devoted friend to our republic—I did not feel so much grief at the depressed condition of the monarch himself, as fear for the general fortunes of everyone.

For though, according to the usage of our ancestors, it is not lawful to examine a slave as a witness against his master, not even by torture—in which mode of examination pain might, perhaps, elicit the truth from a man even against his will—a slave has arisen, who, without any compulsion, accuses him against whom he might not legally say a word even on the rack.

This thing also, O Caius Cæsar, at times disturbs me; which, however, I cease to fear when I come to a complete recollection of your disposition. For in principle it is an unjust thing, but by your wisdom it becomes a most just one. For it is a serious business (if you consider the matter by itself) to speak concerning a crime before that man against whose life you are accused of having meditated that crime; for there is hardly anybody who, when he is a judge in any matter in which his own safety is at stake, does not act with more partiality toward himself than toward the accused person; but, O Caius Cæsar, your admirable and extraordinary natural virtue to a great extent releases me from this fear. For I am not so much afraid what you may wish to decide with respect to King Deiotarus, as I am sure what you wish to decide in all other cases.

I am affected, also, by the unusual circumstances of the trial in this place; because I am pleading so important a cause—one, the fellow of which has never been brought under discussion—within the walls of a private house; I am pleading it out of the hearing of any court or body of auditors, which are a great support and encouragement to an orator. I rest on nothing but your eyes, your person and countenance; I behold you alone; the whole of my speech is necessarily confined to you alone. And if those considerations are very important as regards my hope of establishing the truth, they for all that are impediments of the energy of my mind, and to the proper enthusiasm and ardor of speaking.

For if, O Caius Cæsar, I were pleading this cause in the forum, still having you for my auditor and my judge, with what great cheerfulness would the concourse of the Roman people inspire me! For what citizen would do otherwise than favor that king, the whole of whose life he would recollect had been spent in the wars of the Roman people? I should be beholding

the senate-house, I should be surveying the forum, I should call the heaven above me itself to witness; and so, while calling to mind the kindness of the immortal gods, and of the Roman people, and of the Senate to king Deiotarus, it would be impossible for me to be at a loss for topics or arguments for my speech. But since the walls of a house narrow all these topics, and since the pleading of the cause is greatly crippled by the place, it behooves you, O Cæsar, who have yourself often pleaded for many defendants, to consider within yourself what my feelings at present must be; so that your justice, and also your careful attention in listening to me, may the more easily lessen my natural agitation and anxiety.

But before I say anything about the accusation itself, I will say a few words about the hopes entertained by the accusers. For though they appear to be possessed of no great skill or experience in affairs, nevertheless they have never, surely, undertaken this cause without some hope or other and some definite design.

They were not ignorant that you were offended with king Deiotarus. They recollected that he had been already exposed to some inconvenience and loss on account of the displeasure with which you regarded him; and while they knew that you were angry with him, they had had proofs also that you were friendly to them. And as they would be speaking before you of a matter involving personal danger to yourself, they reckoned that a fictitious charge would easily lodge in your mind, which was already sore. Wherefore, O Caius Cæsar, first of all by your good faith, and wisdom, and firmness, and clemency deliver us from this fear, and prevent our suspecting that there is any ill temper lurking in you. I entreat you by that right hand of yours which you pledged in token of everlasting friendship to king Deiotarus; by that right hand, I say, which is not more trustworthy in wars or in battles than in promises and pledges of good faith. You have chosen to enter his house, you have chosen to renew with him the ancient ties of friendship and hospitality. His household gods have received you under their protection; the altars and hearths of king Deiotarus have beheld you at peace with and friendly towards him.

You are accustomed, O Caius Cæsar, not only to be prevailed

upon by entreaties easily, but to be prevailed on once for all. No enemy has ever been reconciled to you who has found any remnant of hostility remaining in your breast afterward. Although, who is there who has not heard of your complaints against king Deiotarus? You have never accused him as being an enemy to you, but as being a friend very slack in his duty; because his inclination led him more to friendships with Cnæus Pompeius than with you. And yet that very fact you said that you would have pardoned, if when he sent reinforcements and even his son to Pompeius, he had himself availed himself of the excuse furnished him by his age. And in this way, while you were acquitting him of the most important charges, you left behind only the little blame of his friendship for another. Therefore, you not only abstained from punishing him, but you released him from all apprehension; you acknowledged him as your friend, you left him king. And, indeed, his proceedings were not dictated by any hatred of you; he fell by the general error of us all. That king, whom the Senate had repeatedly addressed by this name, using it in decrees most complimentary to him, and who from his youth up had always considered that order most important and most sacred, being a man living at a great distance, and a foreigner by birth, was perplexed by the same affairs which embarrassed us who were born and who at all times had lived in the middle of the republic.

When he heard that men had taken arms by the authority of the Senate, acting with great unanimity; that the defence of the republic had been intrusted to the consuls, the prætors, the tribunes of the people, and to all of us who had received the title of Imperator, he was agitated in his mind, and being a man most deeply attached to this empire, he became alarmed for the safety of the Roman people, in which also he considered that his own was bound up. And being in a state of the greatest alarm, he thought it best to remain quiet himself. But he was beyond measure agitated when he heard that the consuls had fled from Italy, and all the men of consular rank (for so it was reported) with them, and all the Senate, and that the whole of Italy was emptied. For the road was wide open for all such messengers and reports to travel to the East, and no true accounts followed. He never heard a word of the conditions which you offered, nor of your eagerness for concord and peace, nor of the way in

which certain men conspired against your dignity. And though this was the state of things, still he continued quiet until ambassadors and letters came to him from Cnæus Pompeius. Pardon Deiotarus, pardon him, I entreat you, O Cæsar, if he, though a king, yielded to the authority of that man whom we all followed, and on whom both gods and men had heaped every sort of distinction, and on whom you yourself had conferred the most numerous and most important honors[1] of all. Nor, indeed, does it follow that, because your exploits have thrown a cloud over the praises of others, we have, therefore, entirely lost all recollection of Cnæus Pompeius. Who is there who is ignorant how great the name of that man was, how great his influence, how great his renown in every description of war, how great were the honors paid him by the Roman people, and by the Senate, and by you yourself? He had surpassed all his predecessors in glory as much as you have surpassed all the world. Therefore, we used to count up with admiration the wars and the victories, and the triumphs, and the consulships, of Cnæus Pompeius. But yours we are wholly unable to reckon.

To him then came king Deiotarus in this miserable and fatal war, to him whom he had previously assisted in his regular wars against the enemies of Rome, and with whom he was bound, not only by ties of hospitality, but also by personal intimacy. And he came, either because he had been asked, as a friend; or because he had been sent for as an ally; or because he had been summoned, like one who had learned to obey the Senate; and last of all, he joined the losing, not the winning side.

Therefore, after the result of the battle of Pharsalia, he departed from Pompeius; he did not choose to persist in hopes of which he saw no end. He thought he had done quite enough to satisfy the claims of duty, if indeed he was under any such obligations, and that he had made quite mistake enough if he had ignorantly erred. He returned home; and all the time that you were engaged in the Alexandrian War, he consulted your interests. He supported in his palaces and from his own resources the army of Cnæus Domitius, that most distinguished man. He sent money to Ephesus to him whom you selected as the most faithful and most highly esteemed of all your friends. He gave him money a second time; he gave him money a third time for

[1] For Cæsar had given Pompey his daughter in marriage.

you to employ in the war, though he was forced to sell property by auction in order to raise it. He exposed his own person to danger, and he was with you, serving in your army against Pharnaces, and he considered him as his own enemy because he was yours. And all those actions of his were accepted by you, O Caius Cæsar, in such a spirit that you paid him the highest possible honors, and confirmed him in the dignity and title of king.

He, therefore, having been not only released from danger by you, but having been also distinguished by you with the highest honors, is now accused of having intended to assassinate you in his own house—a thing which you cannot in truth possibly suspect, unless you consider him to have been utterly mad. For, to say nothing of what a deed of enormous wickedness it would have been to assassinate his guest in the sight of his own household gods; what a deed of enormous unreasonableness it would have been to have extinguished the brightest light of all nations, and of all human recollection; what a deed of enormous ferocity it would have been to have had no dread of the conqueror of the whole earth; what a sign of an inhuman and ungrateful disposition it would have been to be found to behave like a despot to the very man by whom he had been addressed as a king; to say nothing of all this, what a deed of utter frenzy would it have been to rouse all kings, of whom there were numbers on the borders of his own kingdom, all free nations, all the allies, all the provinces, all the arms, in short, of every people on earth against himself alone! To what misery would he not have exposed his kingdom, his house, his wife, and his beloved son, not merely by the accomplishment of such a crime, but even by the bare idea of it!

But I suppose that improvident and rash man did not see all this! On the contrary, who is a more considerate man than he? Who is more secret in his plans? Who is more prudent? Although in this place it is not so much on the ground of cleverness and prudence that it seems to me that I should defend Deiotarus, as on that of good faith and religious feeling and conduct. You are well acquainted, O Caius Cæsar, with the honesty of the man, with his virtuous habits, with his wisdom and firmness. Indeed, who is there who has ever heard of the name of the Roman people, who has not heard also of the integrity, and wis-

dom, and virtue, and good faith of Deiotarus? A crime, then, that cannot be imputed to an imprudent man, on account of his fear of instant destruction, nor to an unscrupulous man, unless he be at the same time utterly insane; will you pretend that such a crime was thought of by a most virtuous man, and one too who was never accounted a fool?

And in what a way do you try and support this invention! in a way not only not calculated to win belief, but not even such as to give rise to the least suspicion. When, says the prosecutor, you had come to the Luceian fort, and had turned aside to the palace of the king your entertainer, there was a certain place where all those things were arranged which the king had settled to offer you as presents. To this place he intended to conduct you on coming out of the bath, before you lay down; for there were armed men stationed in that very place on purpose to kill you. This is the charge; this is the reason why a runaway should accuse a monarch, a slave accuse his master! I, in truth, O Caius Cæsar, at the very beginning, when the cause was originally laid before me, was struck with a suspicion that Phidippus the physician, one of the king's slaves, who had been sent with the ambassadors, had been corrupted by that young man. He has suborned the physician to act as informer, thought I; he will be sure to invent some accusation of poisoning. Although my conjecture was some way from the exact truth, it was not much out as to the general principle of the accusation. What says the physician? Not a word about poison. But in the first place, that might have been administered much more secretly in a potion or in food; in the second place, a crime is committed in that way with greater impunity, because when it has been done, it can be denied. If he had assassinated you openly, he would have brought upon himself not only the hatred of all nations, but their arms also. If he had slain you by poison, to be sure he never would have been able to conceal the action from the divine wrath of the Jupiter who presides over hospitality, but he might perhaps have concealed it from men. Are we, then, to suppose that that which he might have attempted in secret, and have executed with great caution, he never intrusted to you who were a skilful physician, and, as he believed, a faithful servant, and yet that he could conceal nothing from you with respect to arms, and blood, and ambuscade? And how cleverly is the

whole accusation worked up! It was your own good fortune, says he, that fortune which always preserves you, which saved you then. You said that you did not wish at that moment to see the presents.

What happened afterward? Did Deiotarus, after he had failed in accomplishing the business at that time, at once dismiss his army? was there no other place where he could set an ambush? But you said that when you had supped you would come back again the same way; and you did so. Was it a very difficult job to detain the armed men one or two hours in the place where they had been stationed? After you had spent your time at the banquet courteously and merrily, then you went back that way, as you had said; and then and there you found that the behavior of Deiotarus to you resembled that of king Attalus to Publius Africanus: to whom, as we have read, he sent the most magnificent gifts from Asia to Numantia; which Africanus accepted in the sight of all his army. And when Deiotarus, being present with you, had done all this in a kingly spirit and with royal courtesy, you departed to your chamber. I entreat you, O Cæsar, trace back your recollection of that time, bring that day back before your eyes, remember the countenances of the men who were then gazing on you and admiring you; was there any trepidation among them? any disorder? Was anything done except in an orderly and quiet manner—except as became the establishment of a dignified and honorable man? What reason then can be imagined why he should have intended to murder you after you had bathed, and why he should not have chosen to do so after you had supped? "Oh, he put it off," says the prosecutor, "till the next day, in order that when he arrived at the Luceian fort, he might there put his designs in execution." I do not understand the effect of his changing the place; but still the whole case was conducted in an incriminatory manner. "When," says the prosecutor, "you said after supper that you wished to vomit, they began to lead you to the bath-room; for that was the place where the ambuscade was; but still that same fortune of yours saved you; you said that you had rather go to your bedroom." May the gods forgive you, you runaway slave! Are you so utterly, not only worthless and infamous, but also stupid and senseless? What? were they brazen statues that he had planted in ambush, so that they could not be moved from the bath-room to the bed-chamber?

Here you have the whole charge as to the ambuscade: for he said nothing further. "In all this," says he, "I was his accomplice." What do you mean? Was he so demented as to allow a man to leave him who was privy to so enormous a wickedness? As even to send him to Rome, where he knew his grandson was, who was most bitterly hostile to him, and where Caius Cæsar was, against whom he had laid this plot? especially when he was the only man who could give any information against him in his absence. "My brothers too," says he, "because they also were privy to it, he threw into prison." When, then, he was putting those men in prison whom he had with him, did he leave you at large and send you to Rome—you who knew the very same facts which you say that they knew?

The remainder of the accusation was of a twofold character; one part of which was, that the king was always at his watch-tower because he was so disaffected to your interests; the other, that he had levied a large army against you. As to the army, I will reply to that charge in a very few words, as I will to the rest of the charges. King Deiotarus never had any forces with which he could have made war upon the Roman people; but only just sufficient to protect his own territories from the incursions of enemies, and to send reinforcements to our generals. And before this time he was able to maintain a larger force than he can now; at present he can with difficulty keep up a very small one. "Oh, but he sent to Cæcilius; I don't know who it was he sent, but he threw those whom he sent, or rather ordered to go, into prison, because they would not go." I do not stop to ask how far it is probable that a king should have had no one to send; or that those whom he ordered to go should not have obeyed him; or how it was that those men who refused obedience in so important an affair, were put in prison, and not executed; but still, when he was sending Cæcilius,[2] was he ignorant that that party had been defeated, or did he think that Cæcilius a person of great importance? a man whom he, who was well acquainted with our leading men, would have despised because he knew him, and just as much because he did not know him. He added, also, that he did not send his best cavalry; I dare say, they were old troops, O Cæsar: nothing to your cav-

[2] This was Quintius Cæcilius Brassus, a zealous partisan of Pompey's, who after the battle of Pharsalia collected some of the remnants of his army in Syria, with which he afterward joined Cassius after the death of Cæsar.

alry; but still they were the best men he had, his picked men. He says that one of the body was recognized as being a slave; I do not believe it; I never heard of it. But still, even if such a thing had happened, I should not conceive that that was any fault of the king's.

"He was very ill-disposed towards you." How so? He hoped, I suppose, that you would find it difficult to get out of Alexandria, on account of the nature of the country and of the river. But, at that very time, he supplied you with money, and with provisions for your army; he co-operated to the utmost of his power with the officer to whom you had given command in Asia; he assisted you when victorious, not only in the way of affording you hospitality, but with you he encountered danger, and stood by your side in the array of battle.

The African War followed: there were unfavorable reports spread about you, which also roused that frantic Cæcilius. What on that occasion was the disposition evinced towards you by the king? He sold property by auction, and preferred stripping himself, to not supplying you with money. "But," says the prosecutor, "at that very time he was sending men to Nicæa, and to Ephesus, to catch every report that came from Africa, and to bring it to him with all speed." Therefore, when news came that Domitius had perished by shipwreck, and that you were blockaded in some fortress, he quoted a Greek verse with reference to Domitius, having the same meaning as that of our poet:

> "So can we well afford to lose our friends,
> If our foes perish in the same destruction:" [3]

an expression which he would never have uttered had he been ever so much an enemy to you. For he himself is a man of a humane disposition; and that verse is a savage one. Besides, how could a man be a friend to Domitius, who was an enemy to you? Moreover, why should he be an enemy to you, by whom he might even have been put to death according to the laws of war, and by whom he recollected that he and his son had been appointed kings?

What is the next statement? What is the next step taken by this scoundrel? He says that Deiotarus was so elated at this,

[3] The Greek proverb is given by Plutarch as ἐρρέτω φίλος σὸν ἔχθρῳ. If the Latin iambic quoted by Cicero comes from any Latin poet, it is not known who he was.

that he drowned his joy in wine, and danced naked at a banquet. What cross is there that could be a sufficient punishment for this slave? Did anyone ever see Deiotarus dancing, did anyone ever see him drunk? All kingly virtues are united in that man, and that I think yourself are well aware of, O Cæsar, but most especially is that singular and admirable economy of his conspicuous. Although this is an attribute for which I know that it is not usual to praise kings. To say that a man is economical is not much praise for a king. To be brave, just, severe, dignified, magnanimous, open-handed, beneficent, liberal—these are the praises suited to a king. Economy is a virtue for a private individual. Let everyone take it as he please: but I consider economy—that is to say, moderation and temperance—the very greatest of virtues. And this existed in this man from his earliest youth, and was experienced by, and known to, all Asia, and by all our magistrates and ambassadors, and by all the Roman knights who trafficked in Asia.

It was by many successive steps of dutiful service towards our republic that he arrived at this title of king; but still, whatever leisure he had from the wars of the Roman people, he devoted entirely to cultivating friendship and intimacy with our citizens, and to uniting his affairs and interests to theirs. So that he was not only considered a noble tetrarch, but also an excellent father of a family, and a most industrious farmer and grazier. Did he, then, who, while a young man, before he had arrived at his subsequent high rank, never did anything that was inconsistent with the most rigid virtue and the greatest dignity, after he had raised to himself the esteem in which he is now held, and when he had become of so advanced an age, did he dance?

You ought, O Castor, rather to imitate the manner and principles of your grandfather, than calumniate a most virtuous and most illustrious man with the language of a runaway slave. Even if you had had a grandfather who was a dancer, and not a man from whom examples of modesty and chastity might be derived, still this reproach is one which is very little suited to your age. Those pursuits to which he had been habituated from his earliest age—not dancing, but such as would train him to wield his arms and manage his horses in the best manner—those all had now failed him at his advanced time of life; so that we used to wonder, when several men had lifted Deiotarus on his horse, how

so old a man as he could contrive to stick on. But this young man, who was a soldier of mine in Cilicia, and a comrade of mine in Greece, how was he used to ride about in that army of ours, with his own picked body of cavalry, whom his father had sent with him to join Pompeius! what gallops he used to take! how he used to display his skill! What a parade he used to make! How did he refuse to yield to anyone in his zeal and eagerness for the success of that cause! But even after the army was lost, I, who had at all times been an adviser of peace, but who, after the battle of Pharsalia, urged everyone not to lay aside, but to throw away their arms, could never bring this young man to adopt my advice, both because of his own eagerness for that war, and because he thought himself bound to satisfy the expectations of his father.

Happy is that house which has obtained, not only impunity, but license to accuse others! Unfortunate Deiotarus, who is not only accused by one who was in the same camp with him, before you, but who is impeached even by his own relations. Cannot you, O Castor, be content with your own good fortune without bringing misery on your relations?

Grant that there may be enmity between you; which, however, there ought not to be; for it was king Deiotarus who raised your family, when abject and obscure, from darkness into light. Who ever heard of your father, or who he was, before they heard whose son-in-law he was? But even supposing you repudiated the name of the connection with ever so much ingratitude and impiety, still you might have conducted your quarrel like a man, and not pursue him with a false accusation, not seek his life, not prosecute him on a capital charge. Be it so: let even this excess of bitterness and hatred be permitted. Was it to go to such an extent, that all the laws of ordinary life and of common safety, and even of humanity, are to be violated? to tamper with slaves by words, to corrupt them by hopes and promises; to lead them away to your own house, to arm them against their masters, to wage an impious war not against one relation, but against every family in the world? For that corruption of slaves, if it be not only unpunished, but even approved by such a great authority as that of this tribunal, no walls, no laws, no rights will be sufficient for the protection of our safety. For when that which is in our houses and is our own can sally out with impunity and

fight against us, slavery then gets the mastery, and the master's position is slavery.

Shame on the times, and on our present habits! That Cnæus Domitius, whom we as boys saw consul, and censor, and chief pontiff, when, as tribune of the people, he had impeached Marcus Scaurus, the chief man of the state, before the people, and when a slave of Scaurus had come secretly to him at his own house, and had offered to give information with respect to charges which might be brought against his master, ordered the slave to be apprehended, and taken to Scaurus. See what a difference there is now—although it is a shame of me to compare Castor to Domitius; still he sent his slave back to his enemy, you have seduced one from your grandfather; he refused to listen to one though he had not been bribed, you have bribed one; he rejected a slave as his assistant against his master, you have employed one even as an accuser. But was it only once that that fellow was corrupted by you? Did he not escape back again to the ambassadors after he had been brought forward by you, and after he had been with you? Did he not even come to this Cnæus Domitius? Did not he, in the hearing of this Servius Sulpicius, that most illustrious man, who is present here, and of this Titus Torquatus, a most virtuous young man, who is also present, confess that he had been bribed by you, and that it was by your promises that he had been instigated to this dishonesty?

What then is the object of this shameless, and barbarous, and unrestrained inhumanity? Was it for this that you came into this city, that you might corrupt the principles predominant in, and the examples furnished by this city, and that you might pollute the humanity of our state by your own private ferocity?

And how ingeniously have all your charges been collected! Blesamius, says he (for it was in his name, a very excellent man, and one who was a stranger to you, that he was calumniating you, O Deiotarus), used to write to the king, that you, O Cæsar, were very unpopular; that you were considered a tyrant; that men were exceedingly offended at your statue having been placed among those of the kings; that you were never well received on your appearance in public. Do not you perceive, O Cæsar, that these statements were collected by these fellows, from the city conversation of spiteful men? Could Blesamius have written to say that Cæsar was a tyrant? Ay, for he had seen the

heads of many citizens exposed; he had seen many men by the orders of Cæsar ill-treated, scourged and executed; he had seen many houses pillaged and destroyed; he had seen the forum filled with armed troops! No; those things which previously we always have felt after victories in civil war, we have not seen now, when you have been our conqueror. You are the only man—you I say, O Caius Cæsar, are the only man, by whose victory no one has perished except with arms in his hand. And can the man whom we, free men, born in the enjoyment of the perfect liberty of the Roman people, consider not only no tyrant, but as even the most merciful man possible in the use of victory, can he appear a tyrant to Blesamius, who is living under a king? For who complains about a statue, especially about one single statue, when he sees such a number? Great reason have we, indeed, to envy a man his statues, when we do not grudge him trophies; for if it be the place which provokes envy, surely there is no place more open and fit for a statue than the rostra. And as to the way in which he is received in public, why need I make any reply at all? for public applause has never been desired by you, and sometimes, owing to the amazement with which men have viewed your achievements, it has even been stifled by the excess of their admiration; and perhaps, too, it has been omitted because nothing vulgar could possibly appear worthy of you.

I do not think that anything has been omitted by me; but some topics have been reserved for the end of my speech, and they are of such a nature that they ought to reconcile you cordially to Deiotarus—for I am not now afraid of your being angry with him; I am apprehensive rather of your suspecting that he harbors some resentment against you. And that suspicion, believe me, O Cæsar, is as remote as possible from the truth. For he recollects only what he still has left owing to you, and not what he has lost by your means; nor does he consider that he has been deprived of anything by you, but, being aware that it was necessary for you to give many rewards to many people, he did not think it hard that you should take something from him who had been on the other side. In truth, if that great prince, Antiochus the Great, the king of Asia, who, after he had been conquered by Scipio, was ordered to consider Mount Taurus as the boundary of his dominions, and was deprived of all this Asia which is now a province of our own—if he was accustomed to say that he had

been kindly treated by the Roman people, because he had been released by them from the care of an overgrown empire, and was now at liberty to enjoy a kingdom of moderate extent, Deiotarus can comfort himself more easily. For Antiochus had suffered a chastisement for his insanity, my client only for an error. You, O Cæsar, gave everything to Deiotarus when you gave him and his son the title of king; and as long as he is allowed to retain and preserve this title, he does not think that the kindness of the Roman people is at all diminished, or that the Senate has come to any unfavorable decision respecting him. He preserves a great and lofty spirit, and will never succumb to his enemies, nor even to fortune.

He thinks that by his previous conduct he has given birth to much, and that by his own courage and virtue he still has much which he cannot possibly be deprived of. For what fortune, or what accident, or what injury can happen to Deiotarus of such severity as to efface the decrees of all our generals respecting him? For he has been complimented and distinguished ever since he was of an age to serve in their camps, by all those men who had had the conduct of our wars in Asia, and in Cappadocia, and in Pontus, and in Cilicia, and in Syria. And what length of time will ever efface, what forgetfulness will ever obliterate those numerous and honorable resolutions of the Senate respecting him, which have been recorded in the public writings and memorials of the Roman people?

Why need I speak of his valor? why of his greatness of mind? of his wisdom? of his firmness and consistency? qualities which not only have all wise and learned men pronounced to be the greatest blessings, but which some have even considered the only real ones, and have said that virtue wanted nothing more than these for the purpose of living not only well, but even happily. He, considering these things, and reflecting on them day and night, is so far from feeling resentment against you (for he would not only be ungrateful, but even mad to do so), that he attributes the whole of the tranquillity and quiet of his old age which he enjoys, to your clemency.

And as these were his sentiments previously, I do not doubt also that after the receipt of your letters, of which I have read a copy, which you gave to this Blesamius at Tarraco for Deiotarus, his spirit became loftier still, and that he ceased to feel any anx-

iety whatever. For in them you bid him entertain good hopes, and to be of good courage—expressions which I know you are not in the habit of using without a meaning; for I recollect that you wrote to me in almost the same language, and that when you bade me entertain good hopes of the future you were not deceiving me.

I am anxious, indeed, in this cause of king Deiotarus, with whom the affairs of this republic have united me in friendship, while our mutual regard for one another has connected us by ties of hospitality, with whom long acquaintance has engendered intimacy, and his great services to me and to my army have wrought in me the greatest affection for him. But while I am anxious about him, I am anxious also about many most distinguished men, who have been pardoned by you, and who ought to be able to consider their pardon, whenever pronounced, as binding forever; and who ought not to feel that a doubt is thrown on the permanency of your kindness to them, nor to have a perpetual anxiety implanted in their minds; nor, in short, ought it to be allowed to happen that any one of those men should begin again to feel apprehension, who has once been released by you from fear.

I ought not, O Cæsar, to endeavor, as is often done by men in such danger as this, to move your pity by my language. There is no need of my doing so. Your feelings are of their own accord accustomed to come to the aid of the suppliant and unfortunate, without being elicited by the eloquence of anybody. Place before your eyes two kings, and contemplate with your mind what you cannot behold with your eyes. You will surely yield to your feelings of compassion what you refused to your resentment. There are many monuments of your clemency, but the chief, sure, are the secure happiness of those men to whom it is you have been the author of safety. And if such an action is glorious in the case of a private individual, much more will it be celebrated when it is a king who is the object of it. The title of king has always been accounted a holy name in this city; but the names of ally and king, when united together, are then the holiest of all titles.

And these kings were afraid that if you were victorious they might lose that name. But now that they have been allowed to retain it, and have been confirmed in it by you, I confidently trust

that they will even transmit it to their posterity. Moreover, these ambassadors whom you see before you, Hieras, and Blesamius, and Antigonus, men with whom you and all of us have long been acquainted, and also Dorylaus, a man of the same loyalty and virtue as they, who was lately sent as ambassador to you in company with Hieras, devoted friends of the king, and men too who, as I hope, are highly esteemed by you, offer you their persons as hostages and pledges to secure the safety of their prince. Ask Blesamius whether he ever wrote anything to the king to the disparagement of your dignity. Hieras, indeed, undertakes the whole cause of Deiotarus, and offers himself as the defendant against all these charges in behalf of, and instead of the king. He implores the aid of your recollection in his favor; a quality in which you greatly excel: he declares that all the time that you were in the tetrarchy of Deiotarus he never left your side. He says that he met you on the frontier, and that he attended you to the borders on the opposite side of the country; that when you left the bath he was with you, and when you surveyed all those presents after supper, and when you retired to rest in your bed-chamber. And he says, too, that he attended you in the same unremitting manner all the next day.

Wherefore, if any one of those things which Deiotarus has been accused of, really was thought of, he does not object to your thinking the crime his. I entreat you, O Caius Cæsar, to consider that on this day your sentence will bring on those kings either most miserable calamity, accompanied with infinite disgrace, or an unsullied reputation attended with safety; and to desire the one of those results would be an act of cruelty, to secure the other is an action suitable to your clemency.

THE FIRST ORATION AGAINST MARCUS ANTONIUS

Called also the First Philippic

THE ARGUMENT

When Julius, or, as he is usually called by Cicero, Caius Cæsar was slain on the fifteenth of March, A.U.C. 710, B.C. 44, Marcus Antonius was his colleague in the consulship; and he, being afraid that the conspirators might murder him too (and it is said that they had debated among themselves whether they would or no), concealed himself on that day, and fortified his house; till perceiving that nothing was intended against him, he ventured to appear in public the day following. Lepidus was in the suburbs of Rome with a regular army, ready to depart for the government of Spain, which had been assigned to him with a part of Gaul. In the night, after Cæsar's death, he occupied the forum with his troops, and thought of making himself master of the city, but Antonius dissuaded him from that idea, and won him over to his views by giving his daughter in marriage to Lepidus's son, and by assisting him to seize on the office of Pontifex Maximus, which was vacant by Cæsar's death.

To the conspirators he professed friendship, sent his son among them as a hostage of his sincerity, and so deluded them, that Brutus supped with Lepidus, and Cassius with Antonius. By these means he got them to consent to his passing a decree for the confirmation of all Cæsar's acts, without describing or naming them more precisely. At last, on the occasion of Cæsar's public funeral, he contrived so to inflame the populace against the conspirators, that Brutus and Cassius had some difficulty in defending their houses and their lives; and he gradually alarmed them so much, and worked so cunningly on their fears, that they all quitted Rome. Cicero also left Rome, disapproving greatly of the vacillation and want of purpose in the conspirators. On the first of June Antonius assembled the Senate to deliberate on the affairs of the republic, and in the interval visited all parts of Italy.

In the mean time young Octavius appeared on the stage; he had been left by Cæsar, who was his uncle, the heir to his name and estate. He returned from Apollonia, in Macedonia, to Italy as soon as he heard of his uncle's death, and arrived at Naples on the eighteenth of April, where he was introduced by Hirtius and Pansa to Cicero, whom he promised to be guided in all respects by his directions. He was now between eighteen and nineteen years of age.

He began by the representation of public spectacles and games in honor of Cæsar's victories. In the mean time Antonius, in his progress through Italy, was making great use of the decree confirming

all Cæsar's acts, which he interpolated and forged in the most shameless manner. Among other things he restored Deiotarus to all his dominions, having been bribed to do so by a hundred millions of sesterces by the king's agents; but Deiotarus himself, as soon as he heard of Cæsar's death, seized all his dominions by force. He also seized the public treasure which Cæsar had deposited in the temple of Opis, amounting to above $22,000,000 of our money, and with this he won over Dolabella, who had seized the consulship on the death of Cæsar, and the greater part of the army.

At the end of May Cicero began to return towards Rome, in order to arrive there in time for the meeting of the Senate on the first of June; but many of his friends dissuaded him from entering the city, and at last he determined not to appear in the Senate on that day, but to make a tour in Greece; to assist him in which, Dolabella named him of his lieutenants. Antonius also gave Brutus and Cassius commissions to buy corn in Asia and Sicily for the use of the republic, in order to keep them out of the city.

Meantime Sextus Pompeius, who was at the head of a considerable army in Spain, addressed letters to the consuls proposing terms of accommodation, which after some debate, and some important modifications, were agreed to, and he quitted Spain, and came as far as Marseilles on his road towards Rome.

Cicero, having started for Greece, was forced to put back by contrary winds, and returned to Velia on the seventeenth of August, where he had a long conference with Brutus, who soon after left Italy for his province of Macedonia, which Cæsar had assigned him before his death, though Antonius now wished to compel him to exchange it for Crete. After this conference Cicero returned to Rome, where he was received with unexampled joy, immense multitudes thronging out to meet him, and to escort him into the city. He arrived in Rome on the last day of August. The next day the Senate met, to which he was particularly summoned by Antonius, but he excused himself as not having recovered from the fatigue of his journey.

Antonius was greatly offended, and in his speech in the Senate threatened openly to order Cicero's house to be pulled down; the real reason of Cicero's absenting himself from the Senate being, that the business of the day was to decree some new and extraordinary honors to Cæsar, and to order supplications to him as a divinity, which Cicero was determined not to concur in, though he knew it would be useless to oppose them.

The next day also the Senate met, and Antonius absented himself; but Cicero came down and delivered the first of that celebrated series of fourteen speeches made in opposition to Antonius and his measures, and called Philippics from the orations of Demosthenes against Philip, to which the Romans were in the habit of comparing them.

THE FIRST ORATION AGAINST MARCUS ANTONIUS

Called also the First Philippic

BEFORE, O conscript fathers, I say those things concerning the republic which I think myself bound to say at the present time, I will explain to you briefly the cause of my departure from, and of my return to the city. When I hoped that the republic was at last recalled to a proper respect for your wisdom and for your authority, I thought that it became me to remain in a sort of sentinelship, which was imposed upon me by my position as a senator and a man of consular rank. Nor did I depart anywhere, nor did I ever take my eyes off from the republic, from the day on which we were summoned to meet in the temple of Tellus;[1] in which temple, I, as far as was in my power, laid the foundations of peace, and renewed the ancient precedent set by the Athenians; I even used the Greek word,[2] which that city employed in those times in allaying discords, and gave my vote that all recollection of the existing dissensions ought to be effaced by everlasting oblivion.

The oration then made by Marcus Antonius was an admirable one; his disposition, too, appeared excellent; and lastly, by his means and by his sons', peace was ratified with the most illustrious of the citizens; and everything else was consistent with this beginning. He invited the chief men of the state to those deliberations which he held at his own house concerning the state of the republic; he referred all the most important matters to this order. Nothing was at that time found among the papers of Caius Cæsar except what was already well known to everybody; and he gave answers to every question that was asked of him with the greatest consistency. Were any exiles re-

[1] This meeting took place on the third day after Cæsar's death.
[2] Μὴ μνησικακεῖν.

stored? He said that one was, and only one. Were any immunities granted? He answered, None. He wished us even to adopt the proposition of Servius Sulpicius, that most illustrious man, that no tablet purporting to contain any decree or grant of Cæsar's should be published after the Ides of March were expired. I pass over many other things, all excellent—for I am hastening to come to a very extraordinary act of virtue of Marcus Antonius. He utterly abolished from the constitution of the republic the dictatorship, which had by this time attained to the authority of regal power. And that measure was not even offered to us for discussion. He brought with him a decree of the Senate, ready drawn up, ordering what he chose to have done: and when it had been read, we all submitted to his authority in the matter with the greatest eagerness; and, by another resolution of the Senate, we returned him thanks in the most honorable and complimentary language.

A new light, as it were, seemed to be brought over us, now that not only the kingly power which we had endured, but all fear of such power for the future, was taken away from us; and a great pledge appeared to have been given by him to the republic that he did wish the city to be free, when he utterly abolished out of the republic the name of dictator, which had often been a legitimate title, on account of our late recollection of a perpetual dictatorship. A few days afterward the Senate was delivered from the danger of bloodshed, and a hook[3] was fixed into that runaway slave who had usurped the name of Caius Marius. And all these things he did in concert with his colleague. Some other things that were done were the acts of Dolabella alone; but if his colleague had not been absent, would, I believe, have been done by both of them in concert.

For when enormous evil was insinuating itself into the republic, and was gaining more strength day by day; and when the same men were erecting a tomb[4] in the forum, who had performed that irregular funeral; and when abandoned men, with slaves like themselves, were every day threatening with more and more vehemence all the houses and temples of the city; so severe was the rigor of Dolabella, not only toward the audacious

[3] The hook was to drag his carcass along the streets to throw it into the Tiber. So Juvenal says—

"Sejanus ducitur unco
Spectandus."—x. 66.

[4] This refers to a pillar that was raised in the forum in honor of Cæsar, with the inscription "To the Father of his Country."

and wicked slaves, but also toward the profligate and unprincipled freemen, and so prompt was his overthrow of that accursed pillar, that it seems marvellous to me that the subsequent time has been so different from that one day.

For behold, on the first of June, on which day they had given notice that we were all to attend the Senate, everything was changed. Nothing was done by the Senate, but many and important measures were transacted by the agency of the people, though that people was both absent and disapproving. The consuls elect said that they did not dare to come into the Senate. The liberators of their country were absent from that city from the neck of which they had removed the yoke of slavery; though the very consuls themselves professed to praise them in their public harangues and in all their conversation. Those who were called veterans, men of whose safety this order had been most particularly careful, were instigated not to the preservation of those things which they had, but to cherish hopes of new booty. And as I preferred hearing of those things to seeing them, and as I had an honorary commission as lieutenant, I went away, intending to be present on the first of January, which appeared likely to be the first day of assembling the Senate.

I have now explained to you, O conscript fathers, my design in leaving the city. Now I will briefly set before you, also, my intention in returning, which may perhaps appear more unaccountable. As I had avoided Brundusium, and the ordinary route into Greece, not without good reason, on the first of August I arrived at Syracuse, because the passage from that city into Greece was said to be a good one. And that city, with which I had so intimate a connection, could not, though it was very eager to do so, detain me more than one night. I was afraid that my sudden arrival among my friends might cause some suspicion if I remained there at all. But after the winds had driven me, on my departure from Sicily, to Leucopetra, which is a promontory of the Rhegian district, I went up the gulf from that point, with the view of crossing over. And I had not advanced far before I was driven back by a foul wind to the very place which I had just quitted. And as the night was stormy, and as I had lodged that night in the villa of Publius Valerius, my companion and intimate friend, and as I remained all the next day at his house waiting for a fair wind, many of the

citizens of the municipality of Rhegium came to me. And of them there were some who had lately arrived from Rome; from them I first heard of the harangue of Marcus Antonius, with which I was so much pleased that, after I had read it, I began for the first time to think of returning. And long afterward the edict of Brutus and Cassius is brought to me; which (perhaps because I love those men, even more for the sake of the republic than of my own friendship for them) appeared to me, indeed, to be full of equity. They added besides (for it is a very common thing for those who are desirous of bringing good news to invent something to make the news which they bring seem more joyful) that parties were coming to an agreement; that the Senate was to meet on the first of August; that Antonius having discarded all evil counsellors, and having given up the provinces of Gaul, was about to return to submission to the authority of the Senate.

But on this I was inflamed with such eagerness to return, that no oars or winds could be fast enough for me; not that I thought that I should not arrive in time, but lest I should be later than I wished in congratulating the republic; and I quickly arrived at Velia, where I saw Brutus; how grieved I was, I cannot express. For it seemed to be a discreditable thing for me myself, that I should venture to return into that city from which Brutus was departing, and that I should be willing to live safely in a place where he could not. But he himself was not agitated in the same manner that I was; for, being elevated with the consciousness of his great and glorious exploit, he had no complaints to make of what had befallen him, though he lamented your fate exceedingly. And it was from him that I first heard what had been the language of Lucius Piso, in the Senate of August; who although he was but little assisted (for that I heard from Brutus himself) by those who ought to have seconded him, still according to the testimony of Brutus (and what evidence can be more trustworthy?), and to the avowal of everyone whom I saw afterward, appeared to me to have gained great credit. I hastened hither, therefore, in order that as those who were present had not seconded him, I might do so; not with the hope of doing any good, for I neither hoped for that, nor did I well see how it was possible; but in order that if anything happened to me (and many things appeared to be threatening me

out of the regular course of nature, and even of destiny), I might still leave my speech on this day as a witness to the republic of my everlasting attachment to its interests.

Since then, O conscript fathers, I trust that the reason of my adopting each determination appears praiseworthy to you, before I begin to speak of the republic, I will make a brief complaint of the injury which Marcus Antonius did me yesterday; to whom I am friendly, and I have at all times admitted having received some services from him which make it my duty to be so.

What reason had he then for endeavoring, with such bitter hostility, to force me into the Senate yesterday? Was I the only person who was absent? Have you not repeatedly had thinner houses than yesterday? Or was a matter of such importance under discussion, that it was desirable for even sick men to be brought down? Hannibal, I suppose, was at the gates, or there was to be a debate about peace with Pyrrhus; on which occasion it is related that even the great Appius, old and blind as he was, was brought down to the Senate-house. There was a motion being made about some supplications; a kind of measure when Senators are not usually wanting; for they are under the compulsion, not of pledges, but of the influence of those men whose honor is being complimented; and the case is the same when the motion has reference to a triumph. The consuls are so free from anxiety at these times, that it is almost entirely free for a senator to absent himself if he pleases. And as the general custom of our body was well known to me, and as I was hardly recovered from the fatigue of my journey, and was vexed with myself, I sent a man to him, out of regard for my friendship to him, to tell him that I should not be there. But he, in the hearing of you all, declared that he would come with masons to my house; this was said with too much passion and very intemperately. For, for what crime is there such a heavy punishment appointed as that, that anyone should venture to say in this assembly that he, with the assistance of a lot of common operatives, would pull down a house which had been built at the public expense in accordance with a vote of the Senate? And who ever employed such compulsion as the threat of such an injury as that to a senator? or what severer punishment has ever been imposed for absence than the forfeiture of a pledge, or a fine? But

if he had known what opinion I should have delivered on the subject, he would have remitted somewhat of the rigor of his compulsion.

Do you think, O conscript fathers, that I would have voted for the resolution which you adopted against your own wills, of mingling funeral obsequies with supplications? of introducing inexplicable impiety into the republic? of decreeing supplications in honor of a dead man? I say nothing about who the man was. Even had he been that great Lucius Brutus who himself also delivered the republic from kingly power, and who has produced posterity nearly five hundred years after himself of similar virtue, and equal to similar achievements—even then I could not have been induced to join any dead man in a religious observance paid to the immortal gods; so that a supplication should be addressed by public authority to a man who has nowhere a sepulchre at which funeral obsequies may be celebrated.

I, O conscript fathers, should have delivered my opinion, which I could easily have defended against the Roman people, if any heavy misfortune had happened to the republic, such as war, or pestilence, or famine; some of which, indeed, do exist already, and I have my fears lest others are impending. But I pray that the immortal gods may pardon this act, both to the Roman people, which does not approve of it, and to this order, which voted it with great unwillingness. What? may I not speak of the other misfortunes of the republic? At all events it is in my power, and it always will be in my power, to uphold my own dignity and to despise death. Let me have only the power to come into this house, and I will never shrink from the danger of declaring my opinion!

And, O conscript fathers, would that I had been able to be present on the first of August; not that I should have been able to do any good, but to prevent anyone saying that not one senator of consular rank (as was the case then) was found worthy of that honor and worthy of the republic. And this circumstance indeed gives me great pain, that men who have enjoyed the most honorable distinctions which the Roman people can confer, did not second Lucius Piso, the proposer of an excellent opinion. Is it for this that the Roman people made us consuls, that, being placed on the loftiest and most honorable step of dignity, we should consider the republic of no importance? Not only did

no single man of consular dignity indicate his agreement with Lucius Piso by his voice, but they did not venture even to look as if they agreed with him. What, in the name of all that is horrible, is the meaning of this voluntary slavery? Some submission may have been unavoidable: nor do I require this from every one of the men who deliver their opinions from the consular bench; the case of those men whose silence I pardon is different from that of those whose expression of their sentiments I require; and I do grieve that those men have fallen under the suspicion of the Roman people, not only as being afraid—which of itself would be shameful enough—but as having different private causes for being wanting to their proper dignity.

Wherefore, in the first place, I both feel and acknowledge great obligations to Lucius Piso, who considered not what he was able to effect in the republic, but what it was his own duty to do; and, in the next place, I entreat of you, O conscript fathers, even if you have not quite the courage to agree with my speech and to adopt my advice, at all events to listen to me with kindness as you have always hitherto done.

In the first place, then, I declare my opinion that the acts of Cæsar ought to be maintained: not that I approve of them; (for who indeed can do that?) but because I think that we ought above all things to have regard to peace and tranquillity. I wish that Antonius himself were present, provided he had no advocates with him. But I suppose he may be allowed to feel unwell, a privilege which he refused to allow me yesterday. He would then explain to me, or rather to you, O conscript fathers, to what extent he himself defended the acts of Cæsar. Are all the acts of Cæsar which may exist in the bits of note-books, and memoranda, and loose papers, produced on his single authority, and indeed not even produced, but only recited, to be ratified? And shall the acts which he caused to be engraved on brass, in which he declared that the edicts and laws passed by the people were valid forever, be considered as of no power? I think, indeed, that there is nothing so well entitled to be called the acts of Cæsar as Cæsar's laws. Suppose he gave anyone a promise, is that to be ratified, even if it were a promise that he himself was unable to perform? As, in fact, he has failed to perform many promises made to many people. And a great many more of those promises have been found since his death, than the num-

ber of all the services which he conferred on and did to people during all the years that he was alive would amount to.

But all those things I do not change, I do not meddle with. Nay, I defend all his good acts with the greatest earnestness. Would that the money remained in the temple of Opis! Blood-stained, indeed, it may be, but still needful at these times, since it is not restored to those to whom it really belongs. Let that, however, be squandered too, if it is so written in his acts. Is there anything whatever that can be called so peculiarly the act of that man who, while clad in the robe of peace, was yet invested with both civil and military command in the republic, as a law of his? Ask for the acts of Gracchus, the Sempronian laws will be brought forward; ask for those of Sylla, you will have the Cornelian laws. What more? In what acts did the third consulship of Cnæus Pompeius consist? Why, in his laws. And if you could ask Cæsar himself what he had done in the city and in the garb of peace, he would reply that he had passed many excellent laws; but his memoranda he would either alter or not produce at all; or, if he did produce them, he would not class them among his acts. But, however, I allow even these things to pass for acts; at some things I am content to wink; but I thing it intolerable that the acts of Cæsar in the most important instances, that is to say, in his laws, are to be annulled for their sake.

What law was ever better, more advantageous, more frequently demanded in the best ages of the republic, than the one which forbade the prætorian provinces to be retained more than a year, and the consular provinces more than two? If this law be abrogated, do you think that the acts of Cæsar are maintained? What? Are not all the laws of Cæsar respecting judicial proceedings abrogated by the law which has been proposed concerning the third decury? And are you the defenders of the acts of Cæsar who overturn his laws? Unless, indeed, anything which, for the purpose of recollecting it, he entered in a note-book, is to be counted among his acts, and defended, however unjust or useless it may be; and that which he proposed to the people in the *comitia centuriata* and carried, is not to be accounted one of the acts of Cæsar. But what is that third decury? The decury of centurions, says he. What? Was not the judicature open to that order by the Julian law, and even before that by the Pom-

peian and Aurelian laws? The income of the men, says he, was exactly defined. Certainly, not only in the case of a centurion, but in the case, too, of a Roman knight. Therefore, men of the highest honor and of the greatest bravery, who have acted as centurions, are and have been judges. I am not asking about those men, says he. Whoever has acted as centurion, let him be a judge. But if you were to propose a law, that whoever had served in the cavalry, which is a higher post, should be a judge, you would not be able to induce anyone to approve of that; for a man's fortune and worth ought to be regarded in a judge. I am not asking about those points, says he; I am going to add as judges, common soldiers of the legion of Alaudæ;[5] for our friends say, that that is the only measure by which they can be saved. Oh, what an insulting compliment it is to those men whom you summon to act as judges though they never expected it! For the effect of the law is, to make those men judges in the third decury who do not dare to judge with freedom. And in that how great, O ye immortal gods! is the error of those men who have desired that law. For the meaner the condition of each judge is, the greater will be the severity of judgment with which he will seek to efface the idea of his meanness; and he will strive rather to appear worthy of being classed in the honorable decuries, than to have deservedly ranked in a disreputable one.

Another law was proposed, that men who had been condemned of violence and treason may appeal to the public if they please. Is this now a law, or rather an abrogation of all laws? For who is there at this day to whom it is an object that that law should stand? No one is accused under those laws; there is no one whom we think likely to be so accused. For measures which have been carried by force of arms will certainly never be impeached in a court of justice. But the measure is a popular one. I wish, indeed, that you were willing to promote any popular measure; for, at present, all the citizens agree with one mind and one voice in their view of its bearing on the safety of the republic.

What is the meaning, then, of the eagerness to pass the law which brings with it the greatest possible infamy, and no popularity at all? For what can be more discreditable than for a

[5] This was the name of a legion raised by Cæsar in Gaul, and called so, probably, from the ornament worn on their helmets.

man who has committed treason against the Roman people by acts of violence, after he has been condemned by a legal decision, to be able to return to that very course of violence, on account of which he has been condemned? But why do I argue any more about this law? as if the object aimed at were to enable anyone to appeal. The object is, the inevitable consequence must be, that no one can ever be prosecuted under those laws. For what prosecutor will be found insane enough to be willing, after the defendant has been condemned, to expose himself to the fury of a hired mob? or what judge will be bold enough to venture to condemn a criminal, knowing that he will immediately be dragged before a gang of hireling operatives? It is not, therefore, a right of appeal that is given by that law, but two most salutary laws and modes of judicial investigation that are abolished. And what is this but exhorting young men to be turbulent, seditious, mischievous citizens?

To what extent of mischief will it not be possible to instigate the frenzy of the tribunes, now that these two rights of impeachment for violence and for treason are annulled? What more? Is not this a substitution of a new law for the laws of Cæsar, which enact that every man who has been convicted of violence, and also every man who has been convicted of treason, shall be interdicted from fire and water? And, when those men have a right of appeal given them, are not the acts of Cæsar rescinded? And those acts, O conscript fathers, I, who never approved of them, have still thought it advisable to maintain for the sake of concord; so that I not only did not think that the laws which Caesar had passed in his lifetime ought to be repealed, but I did not approve of meddling with those even which since the death of Cæsar you have seen produced and published.

Men have been recalled from banishment by a dead man; the freedom of the city has been conferred, not only on individuals, but on entire nations and provinces by a dead man; our revenues have been diminished by the granting of countless exemptions by a dead man. Therefore, do we defend these measures which have been brought from his house on the authority of a single, but, I admit, a very excellent individual; and as for the laws which he, in your presence, read, and declared, and passed —in the passing of which he gloried, and on which he believed that the safety of the republic depended, especially those con-

cerning provinces and concerning judicial proceedings—can we, I say, we who defend the acts of Cæsar, think that those laws deserve to be upset?

And yet, concerning those laws which were proposed, we have, at all events, the power of complaining; but concerning those which are actually passed we have not even had that privilege. For they, without any proposal of them to the people, were passed before they were framed. Men ask, what is the reason why I, or why any one of you, O conscript fathers, should be afraid of bad laws while we have virtuous tribunes of the people? We have men ready to interpose their veto; ready to defend the republic with the sanctions of religion. We ought to be strangers to fear. What do you mean by interposing the veto? says he; what are all these sanctions of religion which you are talking about? Those, forsooth, on which the safety of the republic depends. We are neglecting those things, and thinking them too old-fashioned and foolish. The forum will be surrounded, every entrance of it will be blocked up; armed men will be placed in garrison, as it were, at many points. What then? Whatever is accomplished by those means will be law. And you will order, I suppose, all those regularly passed decrees to be engraved on brazen tablets. " The consuls consulted the people in regular form," (Is this the way of consulting the people that we have received from our ancestors?) " and the people voted it with due regularity." What people? that which was excluded from the forum? Under what law did they do so? under that which has been wholly abrogated by violence and arms? But I am saying all this with reference to the future; because it is the part of a friend to point out evils which may be avoided: and if they never ensue, that will be the best refutation of my speech. I am speaking of laws which have been proposed; concerning which you have still full power to decide either way. I am pointing out the defects; away with them! I am denouncing violence and arms; away with them too!

You and your colleague, O Dolabella, ought not, indeed, to be angry with me for speaking in defence of the republic. Although I do not think that you yourself will be; I know your willingness to listen to reason. They say that your colleague, in this fortune of his, which he himself thinks so good, but which would seem to me more favorable if (not to use any harsh lan-

guage) he were to imitate the example set him by the consulship of his grandfathers and of his uncle—they say that he has been exceedingly offended. And I see what a formidable thing it is to have the same man angry with me and also armed; especially at a time when men can use their swords with such impunity. But I will propose a condition which I myself think reasonable, and which I do not imagine Marcus Antonius will reject. If I have said anything insulting against his way of life or against his morals, I will not object to his being my bitterest enemy. But if I have maintained the same habits that I have already adopted in the republic—that is, if I have spoken my opinions concerning the affairs of the republic with freedom—in the first place, I beg that he will not be angry with me for that; but, in the next place, if I cannot obtain my first request, I beg at least that he will show his anger only as he legitimately may show it to a fellow-citizen.

Let him employ arms, if it is necessary, as he says it is, for his own defence: only let not those arms injure those men who have declared their honest sentiments in the affairs of the republic. Now, what can be more reasonable than this demand? But if, as has been said to me by some of his intimate friends, every speech which is at all contrary to his inclination is violently offensive to him, even if there be no insult in it whatever; then we will bear with the natural disposition of our friend. But those men, at the same time, say to me, "You will not have the same license granted to you who are the adversary of Cæsar as might be claimed by Piso his father-in-law." And then they warn me of something which I must guard against; and certainly, the excuse which sickness supplies me with, for not coming to the Senate, will not be a more valid one than that which is furnished by death.

But, in the name of the immortal gods! for while I look upon you, O Dolabella, who are most dear to me, it is impossible for me to keep silence respecting the error into which you are both falling; for I believe that you, being both men of high birth, entertaining lofty views, have been eager to acquire, not money, as some too credulous people suspect, a thing which has at all times been scorned by every honorable and illustrious man, nor power procured by violence and authority such as never ought to be endured by the Roman people, but the affection of your

fellow-citizens, and glory. But glory is praise for deeds which have been done, and the fame earned by great services to the republic; which is approved of by the testimony borne in its favor, not only by every virtuous man, but also by the multitude. I would tell you, O Dolabella, what the fruit of good actions is, if I did not see that you have already learned it by experience beyond all other men.

What day can you recollect in your whole life, as ever having beamed on you with a more joyful light than the one on which, having purified the forum, having routed the throng of wicked men, having inflicted due punishment on the ringleaders in wickedness, and having delivered the city from conflagration and from fear of massacre, you returned to your house? What order of society, what class of people, what rank of nobles even was there who did not then show their zeal in praising and congratulating you? Even I, too, because men thought that you had been acting by my advice in those transactions, received the thanks and congratulations of good men in your name. Remember, I pray you, O Dolabella, the unanimity displayed on that day in the theatre, when everyone, forgetful of the causes on account of which they had been previously offended with you, showed that in consequence of your recent service they had banished all recollection of their former indignation. Could you, O Delabella (it is with great concern that I speak)—could you, I say, forfeit this dignity with equanimity?

And you, O Marcus Antonius (I address myself to you, though in your absence), do you not prefer that day on which the Senate was assembled in the temple of Tellus, to all those months during which some who differ greatly in opinion from me think that you have been happy? What a noble speech was that of yours about unanimity! From what apprehensions were the veterans, and from what anxiety was the whole state relieved by you on that occasion! when, having laid aside your enmity against him, you on that day first consented that your present colleague should be your colleague, forgetting that the auspices had been announced by yourself as augur of the Roman people; and when your little son was sent by you to the Capitol to be a hostage for peace. On what day was the Senate ever more joyful than on that day? or when was the Roman people more delighted? which had never met in greater numbers in any assem-

bly whatever. Then, at last, we did appear to have been really delivered by brave men, because, as they had willed it to be, peace was following liberty. On the next day, on the day after that, on the third day, and on all the following days, you went on without intermission, giving every day, as it were, some fresh present to the republic; but the greatest of all presents was that, when you abolished the name of the dictatorship. This was in effect branding the name of the dead Cæsar with everlasting ignominy, and it was your doing—yours, I say. For as, on account of the wickedness of one Marcus Manlius, by a resolution of the Manlian family it is unlawful that any patrician should be called Manlius, so you, on account of the hatred excited by one dictator, have utterly abolished the name of dictator.

When you had done these mighty exploits for the safety of the republic, did you repent of your fortune, or of the dignity and renown and glory which you had acquired? Whence then is this sudden change? I cannot be induced to suspect that you have been caught by the desire of acquiring money; every one may say what he pleases, but we are not bound to believe such a thing; for I never saw anything sordid or anything mean in you. Although a man's intimate friends do sometimes corrupt his natural disposition, still I know your firmness; and I only wish that, as you avoid that fault, you had been able also to escape all suspicion of it.

What I am more afraid of is lest, being ignorant of the true path to glory, you should think it glorious for you to have more power by yourself than all the rest of the people put together, and lest you should prefer being feared by your fellow-citizens to being loved by them. And if you do think so, you are ignorant of the road to glory. For a citizen to be dear to his fellow-citizens, to deserve well of the republic, to be praised, to be respected, to be loved, is glorious; but to be feared, and to be an object of hatred, is odious, detestable; and, moreover, pregnant with weakness and decay. And we see that, even in the play, the very man who said,

> "What care I though all men should hate my name,
> So long as fear accompanies their hate?"

found that it was a mischievous principle to act upon.

I wish, O Antonius, that you could recollect your grandfather,

of whom, however, you have repeatedly heard me speak. Do you think that he would have been willing to deserve even immortality, at the price of being feared in consequence of his licentious use of arms? What he considered life, what he considered prosperity, was the being equal to the rest of the citizens in freedom, and chief of them all in worth. Therefore, to say no more of the prosperity of your grandfather, I should prefer that most bitter day of his death to the domination of Lucius Cinna, by whom he was most barbarously slain.

But why should I seek to make an impression on you by my speech? For, if the end of Caius Cæsar cannot influence you to prefer being loved to being feared, no speech of anyone will do any good or have any influence with you; and those who think him happy are themselves miserable. No one is happy who lives on such terms that he may be put to death not merely with impunity, but even to the great glory of his slayer. Wherefore, change your mind, I entreat you, and look back upon your ancestors, and govern the republic in such a way that your fellow-citizens may rejoice that you were born; without which no one can be happy nor illustrious.

And, indeed, you have both of you had many judgments delivered respecting you by the Roman people, by which I am greatly concerned that you are not sufficiently influenced. For what was the meaning of the shouts of the innumerable crowd of citizens collected at the gladiatorial games? or of the verses made by the people? or of the extraordinary applause at the sight of the statue of Pompeius? and at that sight of the two tribunes of the people who are opposed to you? Are these things a feeble indication of the incredible unanimity of the entire Roman people? What more? Did the applause at the games of Apollo, or, I should rather say, testimony and judgment there given by the Roman people, appear to you of small importance? Oh, happy are those men who, though they themselves were unable to be present on account of the violence of arms, still were present in spirit, and had a place in the breasts and hearts of the Roman people. Unless, perhaps, you think that it was Accius who was applauded on that occasion, and who bore off the palm sixty years after his first appearance, and not Brutus, who was absent from the games which he himself was exhibiting, while at that most splendid spectacle the Roman

people showed their zeal in his favor though he was absent, and soothed their own regret for their deliverer by uninterrupted applause and clamor.

I myself, indeed, am a man who have at all times despised that applause which is bestowed by the vulgar crowd, but at the same time, when it is bestowed by those of the highest, and of the middle, and of the lowest rank, and, in short, by all ranks together, and when those men who were previously accustomed to aim at nothing but the favor of the people keep aloof, I then think that, not mere applause, but a deliberate verdict. If this appears to you unimportant, which is in reality most significant, do you also despise the fact of which you have had experience—namely, that the life of Aulus Hirtius is so dear to the Roman people? For it was sufficient for him to be esteemed by the Roman people as he is; to be popular among his friends, in which respect he surpasses everybody; to be beloved by his own kinsmen, who do love him beyond measure; but in whose case before do we ever recollect such anxiety and such fear being manifested? Certainly in no one's.

What, then, are we to do? In the name of the immortal gods, can you interpret these facts, and see what is their purport? What do you think that those men think of your lives, to whom the lives of those men who they hope will consult the welfare of the republic are so dear? I have reaped, O conscript fathers, the reward of my return, since I have said enough to bear testimony of my consistency whatever event may befall me, and since I have been kindly and attentively listened to by you. And if I have such opportunities frequently without exposing both myself and you to danger, I shall avail myself of them. If not, as far as I can I shall reserve myself not for myself, but rather for the republic. I have lived long enough for the course of human life, or for my own glory. If any additional life is granted to me, it shall be bestowed not so much on myself as on you and on the republic.

THE SECOND ORATION AGAINST MARCUS ANTONIUS

Called also the Second Philippic

THE ARGUMENT

This second speech was not actually spoken at all. Antonius was greatly enraged at the first speech, and summoned another meeting of the Senate for the nineteenth day of the month, giving Cicero especial notice to be present, and he employed the interval in preparing an invective against Cicero, and a reply to the first Philippic. The Senate met in the temple of Concord, but Cicero himself was persuaded not to attend by his friends, who were afraid of Antonius proceeding to actual violence against him (and indeed he brought a strong guard of armed men with him to the Senate). He spoke with the greatest fury against Cicero, charging him with having been the principal author and contriver of Cæsar's murder, hoping by this to inflame the soldiers, whom he had posted within hearing of his harangue.

Soon after this Cicero removed to a villa near Naples for greater safety, and here he composed this second Philippic, which he did not publish immediately, but contented himself at first with sending a copy to Brutus and Cassius, who were much pleased with it.

THE SECOND ORATION AGAINST MARCUS ANTONIUS

Called also the Second Philippic

TO what destiny of mine, O conscript fathers, shall I say that it is owing, that none for the last twenty years has been an enemy to the republic without at the same time declaring war against me? Nor is there any necessity for naming any particular person; you yourselves recollect instances in proof of my statement. They have all hitherto suffered severer punishments than I could have wished for them; but I marvel that you, O Antonius, do not fear the end of those men whose conduct you are imitating. And in others I was less surprised at this. None of those men of former times was a voluntary enemy to me; all of them were attacked by me for the sake of the republic. But you, who have never been injured by me, not even by a word, in order to appear more audacious than Catiline, more frantic than Clodius, have of your own accord attacked me with abuse, and have considered that your alienation from me would be a recommendation of you to impious citizens.

What am I to think? that I have been despised? I see nothing either in my life, or in my influence in the city, or in my exploits, or even in the moderate abilities with which I am endowed, which Antonius can despise. Did he think that it was easiest to disparage me in the Senate? a body which has borne its testimony in favor of many most illustrious citizens that they governed the republic well, but in favor of me alone, of all men, that I preserved it. Or did he wish to contend with me in a rivalry of eloquence? This, indeed, is an act of generosity? for what could be a more fertile or richer subject for me, than to have to speak in defence of myself, and against Antonius? This, in fact, is the truth. He thought

it impossible to prove to the satisfaction of those men who resembled himself, that he was an enemy to his country, if he was not also an enemy to me. And before I make him any reply on the other topics of his speech, I will say a few words respecting the friendship formerly subsisting between us, which he has accused me of violating, for that I consider a most serious charge.

He has complained that I pleaded once against his interest. Was I not to plead against one with whom I was quite unconnected, in behalf of an intimate acquaintance, of a dear friend? Was I not to plead against interest acquired not by hopes of virtue, but by the disgrace of youth? Was I not to plead against an injustice which that man procured to be done by the obsequiousness of a most iniquitous interposer of his veto, not by any law regulating the privileges of the prætor? But I imagine that this was mentioned by you, in order that you might recommend yourself to the citizens, if they all recollected that you were the son-in-law of a freedman, and that your children were the grandsons of Quintus Fadius, a freedman.

But you had entirely devoted yourself to my principles (for this is what you said); you had been in the habit of coming to my house. In truth, if you had done so, you would more have consulted your own character and your reputation for chastity. But you did not do so, nor, if you had wished it, would Caius Curio have ever suffered you to do so. You have said that you retired in my favor from the contest for the augurship. Oh, the incredible audacity! oh, the monstrous imprudence of such an assertion! For, at the time when Cnæus Pompeius and Quintus Hortensius named me as augur, after I had been wished for as such by the whole college (for it was not lawful for me to be put in nomination by more than two members of the college), you were notoriously insolvent, nor did you think it possible for your safety to be secured by any other means than by the destruction of the republic. But was it possible for you to stand for the augurship at a time when Curio was not in Italy? or even at the time when you were elected, could you have got the votes of one single tribe without the aid of Curio? whose intimate friends even were convicted of violence for having been too zealous in your favor.

But I availed myself of your friendly assistance. Of what assistance? Although the instance which you cite I have myself at all times openly admitted. I preferred confessing that I was under obligations to you, to letting myself appear to any foolish person not sufficiently grateful. However, what was the kindness that you did me? not killing me at Brundusium? Would you then have slain the man whom the conqueror himself, who conferred on you, as you used to boast, the chief rank among all his robbers, had desired to be safe, and had enjoined to go to Italy? Grant that you could have slain him, is not this, O conscript fathers, such a kindness as is done by banditti, who are contented with being able to boast that they have granted their lives to all those men whose lives they have not taken? and if that were really a kindness, then those who slew that man by whom they themselves had been saved, and whom you yourself are in the habit of styling most illustrious men, would never have acquired such immortal glory. But what sort of kindness is it, to have abstained from committing nefarious wickedness? It is a case in which it ought not to appear so delightful to me not to have been killed by you, as miserable, that it should have been in your power to do such a thing with impunity. However, grant that it was a kindness, since no greater kindness could be received from a robber, still in what point can you call me ungrateful? Ought I not to complain of the ruin of the republic, lest I should appear ungrateful toward you? But in that complaint, mournful indeed and miserable, but still unavoidable for a man of that rank in which the Senate and people of Rome have placed me, what did I say that was insulting? that was otherwise than moderate? that was otherwise than friendly? and what instance was it not of moderation to complain of the conduct of Marcus Antonius, and yet to abstain from any abusive expressions? especially when you had scattered abroad all relics of the republic; when everything was on sale at your house by the most infamous traffic; when you confessed that those laws which had never been promulgated, had been passed with reference to you, and by you; when you, being augur, had abolished the auspices, being consul, had taken away the power of interposing the veto; when you were escorted in the most shameful manner by armed guards; when, worn out with

drunkenness and debauchery, you were every day performing all sorts of obscenities in that chaste house of yours. But I, as if I had to contend against Marcus Crassus, with whom I have had many severe struggles, and not with a most worthless gladiator, while complaining in dignified language of the state of the republic, did not say one word which could be called personal. Therefore, to-day I will make him understand with what great kindness he was then treated by me.

But he also read letters which he said that I had sent to him, like a man devoid of humanity and ignorant of the common usages of life. For who ever, who was even but slightly acquainted with the habits of polite men, produced in an assembly and openly read letters which had been sent to him by a friend, just because some quarrel had arisen between them? It not this destroying all companionship in life, destroying the means by which absent friends converse together? How many jests are frequently put in letters, which, if they were produced in public, would appear stupid! How many serious opinions, which, for all that, ought not to be published! Let this be a proof of your utter ignorance of courtesy. Now mark, also, his incredible folly. What have you to oppose to me, O you eloquent man, as you seem at least to Mustela Tamisius, and to Tiro Numisius? And while these men are standing at this very time in the sight of the Senate with drawn swords, I too will think you an eloquent man if you will show how you would defend them if they were charged with being assassins. However, what answer would you make if I were to deny that I ever sent those letters to you? By what evidence could you convict me? by my handwriting? Of handwriting indeed you have a lucrative knowledge.[1] How can you prove it in that manner? for the letters are written by an amanuensis. By this time I envy your teacher, who for all that payment, which I shall mention presently, has taught you to know nothing.

For what can be less like, I do not say an orator, but a man, than to reproach an adversary with a thing which if he denies by one single word, he who has reproached him cannot advance one step further? But I do not deny it; and in this very point I convict you not only of inhumanity, but also of

[1] He means to insinuate that Antonius had been forging Cæsar's handwriting and signature.

madness. For what expression is there in those letters which is not full of humanity and service and benevolence? and the whole of your charge amounts to this, that I do not express a bad opinion of you in those letters; that in them I wrote as to a citizen, and as to a virtuous man, not as to a wicked man and a robber. But your letters I will not produce, although I fairly might, now that I am thus challenged by you; letters in which you beg of me that you may be enabled by my consent to procure the recall of someone from exile; and you will not attempt it if I have any objection, and you prevail on me by your entreaties. For why should I put myself in the way of your audacity? when neither the authority of this body, nor the opinion of the Roman people, nor any laws are able to restrain you. However, what was the object of your addressing these entreaties to me, if the man for whom you were entreating was already restored by a law of Cæsar's? I suppose the truth was that he wished it to be done by me as a favor; in which matter there could not be any favor done even by himself, if a law was already passed for the purpose.

But as, O conscript fathers, I have many things which I must say both in my own defence and against Marcus Antonius, one thing I ask you, that you will listen to me with kindness while I am speaking for myself; the other I will insure myself, namely, that you shall listen to me with attention while speaking against him. At the same time also, I beg this of you; that if you have been acquainted with my moderation and modesty throughout my whole life, and especially as a speaker, you will not, when to-day I answer this man in the spirit in which he has attacked me, think that I have forgotten my usual character. I will not treat him as a consul, for he did not treat me as a man of consular rank; and although he in no respect deserves to be considered a consul, whether we regard his way of life, or his principle of governing the republic, or the manner in which he was elected, I am beyond all dispute a man of consular rank.

That, therefore, you might understand what sort of a consul he professed to be himself, he reproached me with my consulship—a consulship which, O conscript fathers, was in name, indeed, mine, but in reality yours. For what did I de-

termine, what did I contrive, what did I do, that was not determined, contrived, or done, by the counsel and authority and in accordance with the sentiments of this order? And have you, O wise man, O man not merely eloquent, dared to find fault with these actions before the very men by whose counsel and wisdom they were performed? But who was ever found before, except Publius Clodius, to find fault with my consulship? And his fate indeed awaits you, as it also awaited Caius Curio; since that is now in your house which was fatal to each of them.[2]

Marcus Antonius disapproves of my consulship; but it was approved of by Publius Servilius—to name that man first of the men of consular rank who had died most recently. It was approved of by Quintus Catulus, whose authority will always carry weight in this republic; it was approved of by the two Luculli, by Marcus Crassus, by Quintus Hortensius, by Caius Curio, by Caius Piso, by Marcus Glabrio, by Marcus Lepidus, by Lucius Volcatius, by Caius Figulus, by Decimus Silanus and Lucius Murena, who at that time were the consuls elect; the same consulship also which was approved of by those men of consular rank, was approved of by Marcus Cato; who escaped many evils by departing from this life, and especially the evil of seeing you consul. But, above all, my consulship was approved of by Cnæus Pompeius, who, when he first saw me, as he was leaving Syria, embracing me and congratulating me, said, that it was owing to my services that he was about to see his country again. But why should I mention individuals? It was approved of by the Senate, in a very full house, so completely, that there was no one who did not thank me as if I had been his parent, who did not attribute to me the salvation of his life, of his fortunes, of his children, and of the republic.

But, since the republic has been now deprived of those men whom I have named, many and illustrious as they were, let us come to the living, since two of the men of consular rank are still left to us: Lucius Cotta, a man of the greatest genius and the most consummate prudence, proposed a supplication in my honor for those very actions with which you

[2] Fulvia, who had been the wife of Clodius, and afterward of Curio, was now the wife of Antonius.

find fault, in the most complimentary language, and those very men of consular rank whom I have named, and the whole Senate, adopted his proposal; an honor which has never been paid to anyone else in the garb of peace from the foundation of the city to my time. With what eloquence, with what firm wisdom, with what a weight of authority did Lucius Cæsar, your uncle, pronounce his opinion against the husband of his own sister, your step-father. But you, when you ought to have taken him as your adviser and tutor in all your designs, and in the whole conduct of your life, preferred being like your step-father to resembling your uncle. I, who had no connection with him, acted by his counsels while I was consul. Did you, who were his sister's son, ever once consult him on the affairs of the republic?

But who are they whom Antonius does consult? O ye immortal gods, they are men whose birth-days we have still to learn. To-day Antonius is not coming down. Why? He is celebrating the birth-day feast at his villa. In whose honor? I will name no one. Suppose it is in honor of some Phormio, or Gnatho, or even Ballio.[3] Oh, the abominable profligacy of the man! oh, how intolerable is his impudence, his debauchery, and his lust! Can you, when you have one of the chiefs of the Senate, a citizen of singular virtue, so nearly related to you, abstain from ever consulting him on the affairs of the republic, and consult men who have no property whatever of their own, and are draining yours?

Yes, your consulship, forsooth, is a salutary one for the state, mine a mischievous one. Have you so entirely lost all shame as well as all chastity, that you could venture to say this in that temple in which I was consulting that Senate which formerly in the full enjoyment of its honors presided over the world? And did you place around it abandoned men armed with swords? But you have dared besides (what is there which you would not dare?) to say that the Capitoline Hill, when I was consul, was full of armed slaves. I was offering violence to the Senate, I suppose, in order to compel the adoption of those infamous decrees of the Senate. O wretched man, whether those things are not known to you (for you know nothing that is good), or whether they are,

[3] These were the names of slaves.

when you dare to speak so shamelessly before such men! For what Roman knight was there, what youth of noble birth except you, what man of any rank or class who recollected that he was a citizen, who was not on the Capitoline Hill while the Senate was assembled in this temple? who was there, who did not give in his name? Although there could not be provided checks enough, nor were the books able to contain their names.

In truth, when wicked men, being compelled by the revelations of the accomplices, by their own handwriting, and by what I may almost call the voices of their letters, were confessing that they had planned the parricidal destruction of their country, and that they had agreed to burn the city, to massacre the citizens, to devastate Italy, to destroy the republic; who could have existed without being roused to defend the common safety? especially when the Senate and people of Rome had a leader then; and if they had one now like he was then, the same fate would befall you which did overtake them.

He asserts that the body of his step-father was not allowed burial by me. But this is an assertion that was never made by Publius Clodius, a man whom, as I was deservedly an enemy of his, I grieve now to see surpassed by you in every sort of vice. But how could it occur to you to recall to our recollection that you had been educated in the house of Publius Lentulus? Were you afraid that we might think that you could have turned out as infamous as you are by the mere force of nature, if your natural qualities had not been strengthened by education?

But you are so senseless that throughout the whole of your speech you were at variance with yourself; so that you said things which had not only no coherence with each other, but which were most inconsistent with and contradictory to one another; so that there was not so much opposition between you and me as there was between you and yourself. You confessed that your step-father had been implicated in that enormous wickedness, yet you complained that he had had punishment inflicted on him. And by doing so you praised what was peculiarly my achievement, and blamed that which was wholly the act of the Senate. For the detection and arrest of the guilty parties was my work, their punishment was

the work of the Senate. But that eloquent man does not perceive that the man against whom he is speaking is being praised by him, and that those before whom he is speaking are being attacked by him. But now what an act, I will not say of audacity (for he is anxious to be audacious), but (and that is what he is not desirous of) what an act of folly, in which he surpasses all men, is it to make mention of the Capitoline Hill, at a time when armed men are actually between our benches—when men, armed with swords, are now stationed in this same temple of Concord, O ye immortal gods, in which, while I was consul, opinions most salutary to the state were delivered, owing to which it is that we are all alive at this day.

Accuse the Senate; accuse the equestrian body, which at that time was united with the Senate; accuse every order of society, and all the citizens, as long as you confess that this assembly at this very moment is besieged by Ityrean[4] soldiers. It is not so much a proof of audacity to advance these statements so impudently, as of utter want of sense to be unable to see their contradictory nature. For what is more insane than, after you yourself have taken up arms to do mischief to the republic, to reproach another with having taken them up to secure its safety? On one occasion you attempted even to be witty. O ye good gods, how little did that attempt suit you! And yet you are a little to be blamed for your failure in that instance, too. For you might have got some wit from your wife, who was an actress. "Arms to the gown must yield." Well, have they not yielded? But afterward the gown yielded to your arms. Let us inquire then whether it was better for the arms of wicked men to yield to the freedom of the Roman people, or that our liberty should yield to your arms. Nor will I make any further reply to you about the verses. I will only say briefly that you do not understand them, nor any other literature whatever. That I have never at any time been wanting to the claims that either the republic or my friends had upon me; but nevertheless that in all the different sorts of composition on which I have employed myself, during my leisure hours, I have always endeavored to make my labors and my writings such as to be some advantage to our youth, and some credit to the Roman name. But,

[4] Ityra was a town at the foot of Mount Taurus.

however, all this has nothing to do with the present occasion. Let us consider more important matters.

You have said that Publius Clodius was slain by my contrivance. What would men have thought if he had been slain at the time when you pursued him in the forum with a drawn sword, in the sight of all the Roman people; and when you would have settled his business if he had not thrown himself up the stairs of a bookseller's shop, and, shutting them against you, checked your attack by that means? And I confess that at that time I favored you, but even you yourself do not say that I had advised your attempt. But as for Milo, it was not possible even for me to favor his action. For he had finished the business before anyone could suspect that he was going to do it. Oh, but I advised it. I suppose Milo was a man of such a disposition that he not able to do a service to the republic if he had not someone to advise him to do it. But I rejoiced at it. Well, suppose I did; was I to be the only sorrowful person in the city, when everyone else was in such delight? Although that inquiry into the death of Publius Clodius was not instituted with any great wisdom. For what was the reason for having a new law to inquire into the conduct of the man who had slain him, when there was a form of inquiry already established by the laws? However, an inquiry was instituted. And have you now been found, so many years afterward, to say a thing which, at the time that the affair was under discussion, no one ventured to say against me? But as to the assertion that you have dared to make, and that at great length too, that it was by my means that Pompeius was alienated from his friendship with Cæsar, and that on that account it was my fault that the civil war was originated; in that you have not erred so much in the main facts, as (and that is of the greatest importance) in the times.

When Marcus Bibulus, a most illustrious citizen, was consul, I omitted nothing which I could possibly do or attempt to draw off Pompeius from his union with Cæsar. In which, however, Cæsar was more fortunate than I, for he himself drew off Pompeius from his intimacy with me. But afterward, when Pompeius joined Cæsar with all his heart, what could have been my object in attempting to separate

them then? It would have been the part of a fool to hope to do so, and of an impudent man to advise it. However, two occasions did arise, on which I gave Pompeius advice against Cæsar. You are at liberty to find fault with my conduct on those occasions if you can. One was when I advised him not to continue Cæsar's government for five years more. The other, when I advised him not to permit him to be considered as a candidate for the consulship when he was absent. And if I had been able to prevail on him in either of these particulars, we should never have fallen into our present miseries.

Moreover, I also, when Pompeius had now devoted to the service of Cæsar all his own power, and all the power of the Roman people, and had begun when it was too late to perceive all those things which I had foreseen long before, and when I saw that a refarious war was about to be waged against our country, I never ceased to be the adviser of peace, and concord, and some arrangement. And that language of mine was well known to many people—"I wish, O Cnæus Pompeius, that you had either never joined in a confederacy with Caius Cæsar, or else that you had never broken it off. The one conduct would have become your dignity, and the other would have been suited to your prudence." This, O Marcus Antonius, was at all times my advice both respecting Pompeius and concerning the republic. And if it had prevailed, the republic would still be standing, and you would have perished through your own crimes, and indigence, and infamy.

But these are all old stories now. This charge, however, is quite a modern one, that Cæsar was slain by my contrivance. I am afraid, O conscript fathers, lest I should appear to you to have brought up a sham accuser against myself (which is a most disgraceful thing to do); a man not only to distinguish me by the praises which are my due, but to load me also with those which do not belong to me. For who ever heard my name mentioned as an accomplice in that most glorious action? and whose name has been concealed who was in the number of that gallant band? Concealed, do I say? Whose name was there which was not at once made public? I should sooner say that some men had boasted in order to appear to have been concerned in that conspiracy, though they had in

reality known nothing of it, than that anyone who had been an accomplice in it could have wished to be concealed. Moreover, how likely it is, that among such a number of men, some obscure, some young men who had not the wit to conceal anyone, my name could possibly have escaped notice! Indeed, if leaders were wanted for the purpose of delivering the country, what need was there of my instigating the Bruti, one of whom saw every day in his house the image of Lucius Brutus, and the other saw also the image of Ahala? Were these the men to seek counsel from the ancestors of others rather than from their own? and out of doors rather than at home? What? Caius Cassius, a man of that family which could not endure, I will not say the domination, but even the power of any individual—he, I suppose, was in need of me to instigate him? a man who, even without the assistance of these other most illustrious men, would have accomplished this same deed in Cilicia, at the mouth of the river Cydnus, if Cæsar had brought his ships to that bank of the river which he had intended, and not to the opposite one. Was Cnæus Domitius spurred on to seek to recover his dignity, not by the death of his father, a most illustrious man, nor by the death of his uncle, nor by the deprivation of his own dignity, but by my advice and authority? Did I persuade Caius Trebonius? a man whom I should not have ventured even to advise. On which account the republic owes him even a larger debt of gratitude, because he preferred the liberty of the Roman people to the friendship of one man, and because he preferred overthrowing arbitrary power to sharing it. Was I the instigator whom Lucius Tillius Cimber followed? a man whom I admired for having performed that action, rather than ever expected that he would perform it; and I admired him on this account, that he was unmindful of the personal kindnesses which he had received, but mindful of his country. What shall I say of the two Servilii? Shall I call them Cascas, or Ahalas? and do you think that those men were instigated by my authority rather than by their affection for the republic? It would take a long time to go through all the rest; and it is a glorious thing for the republic that they were so numerous, and a most honorable thing also for themselves.

But recollect, I pray you, how that clever man convicted me of being an accomplice in the business. When Cæsar

was slain, says he, Marcus Brutus immediately lifted up on high his bloody dagger, and called on Cicero by name; and congratulated him on liberty being recovered. Why on me above all men? Because I knew of it beforehand? Consider rather whether this was not his reason for calling on me, that, when he had performed an action very like those which I myself had done, he called me above all men to witness that he had been an imitator of my exploits. But you, O stupidest of all men, do not you perceive, that if it is a crime to have wished that Cæsar should be slain—which you accuse me of having wished—it is a crime also to have rejoiced at his death? For what is the difference between a man who has advised an action, and one who has approved of it? or what does it signify whether I wished it to be done, or rejoice that it has been done? Is there anyone then, except you yourself and those men who wished him to become a king, who was unwilling that that deed should be done, or who disapproved of it after it was done? All men, therefore, are guilty as far as this goes. In truth, all good men, as far as it depended on them, bore a part in the slaying of Cæsar. Some did not know how to contrive it, some had not courage for it, some had no opportunity—everyone had the inclination.

However, remark the stupidity of this fellow—I should rather say, of this brute beast. For thus he spoke: "Marcus Brutus, whom I name to do him honor, holding aloft his bloody dagger, called upon Cicero, from which it must be understood that he was privy to the action." Am I then called wicked by you because you suspect that I suspected something; and is he who openly displayed his reeking dagger, named by you that you may do him honor? Be it so. Let this stupidity exist in your language: how much greater is it in your actions and opinions! Arrange matters in this way at last, O consul; pronounce the cause of the Bruti, of Caius Cassius, of Cnæus Domitius, of Caius Trebonius and the rest to be whatever you please to call it: sleep off that intoxication of yours, sleep it off and take breath. Must one apply a torch to you to waken you while you are sleeping over such an important affair? Will you never understand that you have to decide whether those men who performed that action are homicides or assertors of freedom?

For just consider a little; and for a moment think of the business like a sober man. I who, as I myself confess, am an intimate friend of those men, and, as you accuse me, an accomplice of theirs, deny that there is any medium between these alternatives. I confess that they, if they be not deliverers of the Roman people and saviours of the republic, are worse than assassins, worse than homicides, worse even than parricides: since it is a more atrocious thing to murder the father of one's country, than one's own father. You wise and considerate man, what do you say to this? If they are parricides, why are they always named by you, both in this assembly and before the Roman people, with a view to do them honor? Why has Marcus Brutus been, on your motion, excused from obedience to the laws, and allowed to be absent from the city more than ten days?[5] Why were the games of Apollo celebrated with incredible honor to Marcus Brutus? why were provinces given to Brutus and Cassius? why were quæstors assigned to them? why was the number of their lieutenants augmented? And all these measures were owing to you. They are not homicides then. It follows that in your opinion they are deliverers of their country, since there can be no other alternative. What is the matter? Am I embarrassing you? For perhaps you do not quite understand propositions which are stated disjunctively. Still this is the sum total of my conclusion; that since they are acquitted by you of wickedness, they are at the same time pronounced most worthy of the very most honorable rewards.

Therefore, I will now proceed again with my oration. I will write to them, if anyone by chance should ask whether what you have imputed to me be true, not to deny it to anyone. In truth, I am afraid that it must be considered either a not very creditable thing to them, that they should have concealed the fact of my being an accomplice; or else a most discreditable one to me that I was invited to be one, and that I shirked it. For what greater exploit (I call you to witness, O august Jupiter!) was ever achieved not only in this city, but in all the earth? What more glorious action was ever done? What deed was ever more deservedly recommended to

[5] Brutus was the Prætor urbanus this year, and that officer's duty confined him to the city; and he was forbidden by law to be absent more than ten days at a time during his year of office.

the everlasting recollection of men? Do you, then, shut me up with the other leaders in the partnership in this design, as in the Trojan horse? I have no objection; I even thank you for doing so, with whatever intent you do it. For the deed is so great a one, that I cannot compare the unpopularity which you wish to excite against me on account of it, with its real glory.

For who can be happier than those men whom you boast of having now expelled and driven from the city? What place is there either so deserted or so uncivilized, as not to seem to greet and to covet the presence of those men wherever they have arrived? What men are so clownish as not, when they have once beheld them, to think that they have reaped the greatest enjoyment that life can give? And what posterity will be ever so forgetful, what literature will ever be found so ungrateful, as not to cherish their glory with undying recollection? Enroll me then, I beg, in the number of those men.

But one thing I am afraid you may not approve of. For if I had really been one of their number, I should have not only got rid of the king, but of the kingly power also out of the republic; and if I had been the author of the piece, as it is said, believe me, I should not have been contented with one act, but should have finished the whole play. Although, if it be a crime to have wished that Cæsar might be put to death, beware, I pray you, O Antonius, of what must be your own case, as it is notorious that you, when at Narbo, formed a plan of the same sort with Caius Trebonius; and it was on account of your participation in that design that, when Cæsar was being killed, we saw you called aside by Trebonius. But I (see how far I am from any horrible inclination toward,) praise you for having once in your life had a righteous intention; I return you thanks for not having revealed the matter; and I excuse you for not having accomplished your purpose. That exploit required a man.

And if anyone should institute a prosecution against you, and employ that test of old Cassius, "who reaped any advantage from it?" take care, I advise you, lest you suit that description. Although, in truth, that action was, as you used to say, an advantage to everyone who was not willing to be a slave, still it was so to you above all men,who are not

merely not a slave, but are actually a king; who delivered yourself from an enormous burden of debt at the temple of Ops; who, by your dealings with the account-books, there squandered a countless sum of money; who have had such vast treasures brought to you from Cæsar's house; at whose own house there is set up a most lucrative manufactory of false memoranda and autographs, and a most iniquitous market of lands, and towns, and exemptions, and revenues. In truth, what measure except the death of Cæsar could possibly have been any relief to your indigent and insolvent condition? You appear to be somewhat agitated. Have you any secret fear that you yourself may appear to have had some connection with that crime? I will release you from all apprehension; no one will ever believe it; it is not like you to deserve well of the republic; the most illustrious men in the republic are the authors of that exploit; I only say that you are glad it was done; I do not accuse you of having done it.

I have replied to your heaviest accusations, I must now also reply to the rest of them.

You have thrown in my teeth the camp of Pompeius and all my conduct at that time. At which time, indeed, if, as I have said before, my counsels and my authority had prevailed, you would this day be in indigence, we should be free, and the republic would not have lost so many generals and so many armies. For I confess that, when I saw that these things certainly would happen, which now have happened, I was as greatly grieved as all the other virtuous citizens would have been if they had foreseen the same things. I did grieve, I did grieve, O conscript fathers, that the republic which had once been saved by your counsels and mine, was fated to perish in a short time. Nor was I so inexperienced in and ignorant of this nature of things, as to be disheartened on account of a fondness for life, which while it endured would wear me out with anguish, and when brought to an end would release me from all trouble. But I was desirous that those most illustrious men, the lights of the republic, should live: so many men of consular rank, so many men of prætorian rank, so many most honorable senators; and besides them all the flower of our nobility and of our youth; and the armies of excellent citizens. And if they were still alive, under ever such hard

conditions of peace (for any sort of peace with our fellow-citizens appeared to me more desirable than civil war), we should be still this day enjoying the republic.

And if my opinion had prevailed, and if those men, the preservation of whose lives was my main object, elated with the hope of victory, had not been my chief opposers, to say nothing of other results, at all events you would never have continued in this order, or rather in this city. But say you, my speech alienated from me the regard of Pompeius? Was there anyone to whom he was more attached? anyone with whom he conversed or shared his counsels more frequently? It was, indeed, a great thing that we, differing as we did respecting the general interests of the republic, should continue in uninterrupted friendship. But I saw clearly what his opinions and views were, and he saw mine equally. I was for providing for the safety of the citizens in the first place, in order that we might be able to consult their dignity afterward. He thought more of consulting their existing dignity. But because each of us had a definite object to pursue, our disagreement was the more endurable. But what that extraordinary and almost godlike man thought of me is known to those men who pursued him to Paphos from the battle of Pharsalia. No mention of me was ever made by him that was not the most honorable that could be, that was not full of the most friendly regret for me; while he confessed that I had had the most foresight, but that he had had more sanguine hopes. And do you dare taunt me with the name of that man whose friend you admit that I was, and whose assassin you confess yourself?

However, let us say no more of that war, in which you were too fortunate. I will not reply even with those jests to which you have said that I gave utterance in the camp. That camp was in truth full of anxiety, but although men are in great difficulties, still, provided they are men, they sometimes relax their minds. But the fact that the same man finds fault with my melancholy, and also with my jokes, is a great proof that I was very moderate in each particular.

You have said that no inheritances come to me. Would that this accusation of yours were a true one; I should have more of my friends and connections alive. But how could

such a charge ever come into your head? For I have received more than twenty millions of sesterces in inheritances. Although in this particular I admit that you have been more fortunate than I. No one has ever made me his heir except he was a friend of mine, in order that my grief of mind for his loss might be accompanied also with some gain, if it was to be considered as such. But a man whom you never even saw, Lucius Rubrius, of Casinum, made you his heir. And see now how much he loved you, who, though he did not know whether you were white or black, passed over the son of his brother, Quintus Fufius, a most honorable Roman knight, and most attached to him, whom he had on all occasions openly declared his heir (he never even names him in his will), and he makes you his heir whom he had never seen, or at all events had never spoken to.

I wish you would tell me, if it is not too much trouble, what sort of countenance Lucius Turselius was of; what sort of height; from what municipal town he came; and of what tribe he was a member. "I know nothing," you will say, "about him, except what farms he had." Therefore, he, disinheriting his brother, made you his heir. And besides these instances, this man has seized on much other property belonging to men wholly unconnected with him, to the exclusion of the legitimate heirs, as if he himself were the heir. Although the thing that struck me with most astonishment of all was, that you should venture to make mention of inheritances, when you yourself had not received the inheritance of your own father.

And was it in order to collect all these arguments, O you most senseless of men, that you spent so many days in practising declamations in another man's villa? Although, indeed (as your most intimate friends usually say), you are in the habit of declaiming not for the purpose of whetting your genius, but of working off the effects of wine. And, indeed, you employ a master to teach you jokes, a man appointed by your own vote and that of your boon companions; a rhetorician, whom you have allowed to say whatever he pleased against you, a thoroughly facetious gentleman; but there are plenty of materials for speaking against you and against your friends. But just see now what a difference there is between

you and your grandfather. He used with great deliberation to bring forth arguments advantageous to the cause he was advocating; you pour forth in a hurry the sentiments which you have been taught by another. And what wages have you paid this rhetorician? Listen, listen, O conscript fathers, and learn the blows which are inflicted on the republic. You have assigned, O Antonius, two thousand acres[6] of land, in the Leontine district, to Sextus Clodius, the rhetorician, and those, too, exempt from every kind of tax, for the sake of putting the Roman people to such a vast expense that you might learn to be a fool. Was this gift, too, O you most audacious of men, found among Cæsar's papers? But I will take another opportunity to speak about the Leontine and the Campanian district; where he has stolen lands from the republic to pollute them with most infamous owners. For now, since I have sufficiently replied to all his charges, I must say a little about our corrector and censor himself. And yet I will not say all I could, in order that if I have often to battle with him I may always come to the contest with fresh arms; and the multitude of his vices and atrocities will easily enable me to do so.

Shall we, then, examine your conduct from the time when you were a boy? I think so. Let us begin at the beginning. Do you recollect that, while you were still clad in the prætexta, you became a bankrupt? That was the fault of your father, you will say. I admit that. In truth, such a defence is full of filial affection. But it is peculiarly suited to your own audacity, that you sat among the fourteen rows of the knights, though by the Roscian law there was a place appointed for bankrupts, even if anyone had become such by the fault of fortune and not by his own. You assumed the manly gown, which you soon made a womanly one; at first a public prostitute, with a regular price for your wickedness, and that not a low one. But very soon Curio stepped in, who carried you off from your public trade, and, as if he had bestowed a matron's robe upon you, settled you in a steady and durable wedlock. No boy bought for the gratification of passion was ever so wholly in the power of his master as you were in Curio's. How often has his father

[6] The Latin word jugerum "an acre," because it is usually so translated, but in point of fact it was not quite two-thirds of an English acre. At the same time it was nearly three times as large as the Greek πλέθρον, which is often translated acre also.

turned you out of his house? How often has he placed guards to prevent you from entering? while you, with night for your accomplice, lust for your encourager, and wages for your compeller, were let down through the roof. That house could no longer endure your wickedness. Do you not know that I am speaking of matters with which I am thoroughly acquainted? Remember that time when Curio, the father, lay weeping in his bed; his son, throwing himself at my feet with tears, recommended to me you; he entreated me to defend you against his own father, if he demanded six millions of sesterces of you; for that he had been bail for you to that amount. And he himself, burning with love, declared positively that because he was unable to bear the misery of being separated from you, he should go into banishment. And at that time what misery of that most flourishing family did I allay, or rather did I remove! I persuaded the father to pay the son's debts; to release the young man, endowed as he was with great promise of courage and ability, by the sacrifice of part of his family estate; and to use his privileges and authority as a father to prohibit him not only from all intimacy with, but from every opportunity of meeting, you. When you recollected that all this was done by me, would you have dared to provoke me by abuse if you had not been trusting to those swords which we behold?

But let us say no more of your profligacy and debauchery. There are things which it is not possible for me to mention with honor; but you are all the more free for that, inasmuch as you have not scrupled to be an actor in scenes which a modest enemy cannot bring himself to mention.

Mark now, O conscript fathers, the rest of his life, which I will touch upon rapidly. For my inclination hastens to arrive at those things which he did in the time of the civil war, amid the greatest miseries of the republic and at those things which he does every day. And I beg of you, though they are far better known to you than they are to me, still to listen attentively, as you are doing, to my relation of them. For in such cases as this, it is not the mere knowledge of such actions that ought to excite the mind, but the recollection of them also. Although we must at once go into the middle of them, lest otherwise we should be too long in coming to the end.

He was very intimate with Clodius at the time of his tribune-

ship; he, who now enumerates the kindnesses which he did me. He was the firebrand to handle all conflagrations; and even in his house he attempted something. He himself well knows what I allude to. From thence he made a journey to Alexandria, in defiance of the authority of the Senate, and against the interests of the republic, and in spite of religious obstacles; but he had Gabinius for his leader, with whom whatever he did was sure to be right. What were the circumstances of his return from thence? what sort of return was it? He went from Egypt to the farthest extremity of Gaul before he returned home. And what was his home? For at that time every man had possession of his own house; and you had no house anywhere, O Antonius. House, do you say? what place was there in the whole world where you could set your foot on anything that belonged to you except Misenum which you farmed with your partners, as if it had been Sisapo?[7]

You came from Gaul to stand for the quæstorship. Dare to say that you went to your own father before you came to me. I had already received Cæsar's letters, begging me to allow myself to accept of your excuses; and therefore, I did not allow you even to mention thanks. After that, I was treated with respect by you, and you received attentions from me in your canvass for the quæstorship. And it was at that time, indeed, that you endeavored to slay Publius Clodius in the forum, with the approbation of the Roman people; and though you made the attempt of your own accord, and not at my instigation, still you clearly alleged that you did not think, unless you slew him, that you could possibly make amends to me for all the injuries which you had done me. And this makes me wonder why you should say that Milo did that deed at my instigation; when I never once exhorted you to do it, who of your own accord attempted to do me the same service. Although, if you had persisted in it, I should have preferred allowing the action to be set down entirely to your own love of glory rather than to my influence.

You were elected quæstor. On this, immediately, without any resolution of the Senate authorizing such a step, without drawing lots, without procuring any law to be passed, you hastened to Cæsar. For you thought the camp the only refuge

[7] Sisapo was a town in Spain, celebrated for some mines of vermilion, which were farmed by a company.

on earth for indigence, and debt, and profligacy—for all men, in short, who were in a state of utter ruin. Then, when you had recruited your resources again by his largesses and your own robberies (if, indeed, a person can be said to recruit, who only acquires something which he may immediately squander), you hastened, being again a beggar, to the tribuneship, in order that in that magistracy you might, if possible, behave like your friend.

Listen now, I beseech you, O conscript fathers, not to those things which he did indecently and profligately to his own injury and to his own disgrace as a private individual; but to the actions which he did impiously and wickedly against us and our fortunes—that is to say, against the whole republic. For it is from his wickedness that you will find that the beginning of all these evils had arisen.

For when, in the consulship of Lucius Lentulus and Marcus Marcellus, you, on the first of January, were anxious to prop up the republic, which was tottering and almost falling, and were willing to consult the interests of Caius Cæsar himself, if he would have acted like a man in his senses, then this fellow opposed to your counsels his tribuneship, which he had sold and handed over to the purchaser, and exposed his own neck to that axe under which many have suffered for smaller crimes. It was against you, O Marcus Antonius, that the Senate, while still in the possession of its rights, before so many of its luminaries were extinguished, passed that decree which, in accordance with the usage of our ancestors, is at times passed against an enemy who is a citizen. And have you dared, before these conscript fathers, to say anything against me, when I have been pronounced by this order to be the saviour of my country, and when you have been declared by it to be an enemy of the republic? The mention of that wickedness of yours has been interrupted, but the recollection of it has not been effaced. As long as the race of men, as long as the name of the Roman people shall exist (and that, unless it is prevented from being so by your means, will be everlasting), so long will that most mischievous interposition of your veto be spoken of. What was there that was being done by the Senate either ambitiously or rashly, when you, one single young man, forbade the whole order to pass decrees concerning the safety of the republic? and

when you did so, not once only, but repeatedly? nor would you allow anyone to plead with you in behalf of the authority of the Senate; and yet, what did anyone entreat of you, except that you would not desire the republic to be entirely overthrown and destroyed; when neither the chief men of the state by their entreaties, nor the elders by their warnings, nor the Senate in a full house by pleading with you, could move you from the determination which you had already sold and as it were delivered to the purchaser? Then it was, after having tried many other expedients previously, that a blow was of necessity struck at you which had been struck at only few men before you, and which none of them had ever survived. Then it was that this order armed the consuls, and the rest of the magistrates who were invested with either military or civil command, against you, and you never would have escaped them, if you had not taken refuge in the camp of Cæsar.

It was you, I say, O Marcus Antonius, who gave Caius Cæsar, desirous as he already was to throw everything into confusion, the principal pretext for waging war against his country. For what other pretence did he allege? what cause did he give for his own most frantic resolution and action, except that the power of interposition by the veto had been disregarded, the privileges of the tribunes taken away, and Antonius's rights abridged by the Senate? I say nothing of how false, how trivial these pretences were; especially when there could not possibly be any reasonable cause whatever to justify anyone in taking up arms against his country. But I have nothing to do with Cæsar. You must unquestionably allow, that the cause of that ruinous war existed in your person.

O miserable man if you are aware, more miserable still if you are not aware, that this is recorded in writings, is handed down to men's recollection, that our very latest posterity in the most distant ages will never forget this fact, that the consuls were expelled from Italy, and with them Cnæus Pompeius, who was the glory and light of the empire of the Roman people; that all the men of consular rank, whose health would allow them to share in that disaster and that flight, and the prætors, and men of prætorian rank, and the tribunes of the people, and a great part of the Senate, and all the flower of the youth of the city, and, in a word, the republic itself was driven out and expelled

from its abode. As, then, there is in seeds the cause which produces trees and plants, so of this most lamentable war you were the seed. Do you, O conscript fathers, grieve that these armies of the Roman people have been slain? It is Antonius who slew them. Do you regret your most illustrious citizens? It is Antonius, again, who has deprived you of them. The authority of this order is overthrown; it is Antonius who has overthrown it. Everything, in short, which we have seen since that time (and what misfortune is there that we have not seen?) we shall, if we argue rightly, attribute wholly to Antonius. As Helen was to the Trojans, so has that man been to this republic —the cause of war, the cause of mischief, the cause of ruin. The rest of his tribuneship was like the beginning. He did everything which the Senate had labored to prevent, as being impossible to be done consistently with the safety of the republic. And see, now, how gratuitously wicked he was even in accomplishing his wickedness.

He restored many men who had fallen under misfortune. Among them no mention was made of his uncle. If he were severe, why was he not so to everyone? If he was merciful, why was he not merciful to his own relations? But I say nothing of the rest. He restored Licinius Lenticula, a man who had been condemned for gambling, and who was a fellow-gamester of his own. As if he could not play with a condemned man; but in reality, in order to pay by a straining of the law in his favor, what he had lost by the dice. What reason did you allege to the Roman people why it was desirable that he should be restored? I suppose you said that he was absent when the prosecution was instituted against him; that the cause was decided without his having been heard in his defence; that there was not by a law any judicial proceeding established with reference to gambling; that he had been put down by violence or by arms; or lastly, as was said in the case of your uncle, that the tribunal had been bribed with money. Nothing of this sort was said. Then he was a good man, and one worthy of the republic. That, indeed, would have been nothing to the purpose, but still, since being condemned does not go for much, I would forgive you if that were the truth. Does not he restore to the full possession of his former privileges the most worthless man possible—one who would not hesitate to play at dice

even in the forum, and who had been convicted under the law which exists respecting gambling—does not he declare in the most open manner his own propensities?

Then in this same tribuneship, when Cæsar while on his way into Spain had given him Italy to trample on, what journeys did he make in every direction! how did he visit the municipal towns! I know that I am only speaking of matters which have been discussed in everyone's conversation, and that the things which I am saying and am going to say are better known to everyone who was in Italy at that time, than to me, who was not. Still I mention the particulars of his conduct, although my speech cannot possibly come up to your own personal knowledge. When was such wickedness ever heard of as existing upon earth? or shamelessness? or such open infamy?

The tribune of the people was borne along in a chariot, lictors crowned with laurel preceded him; among whom, on an open litter, was carried an actress; whom honorable men, citizens of the different municipalities, coming out from their towns under compulsion to meet him, saluted not by the name by which she was well known on the stage, but by that of Volumnia.[8] A car followed full of pimps; then a lot of debauched companions; and then his mother, utterly neglected, followed the mistress of her profligate son, as if she had been her daughter-in-law. O the disastrous fecundity of that miserable woman! With the marks of such wickedness as this did that fellow stamp every municipality, and prefecture, and colony, and, in short, the whole of Italy.

To find fault with the rest of his actions, O conscript fathers, is difficult, and somewhat unsafe. He was occupied in war; he glutted himself with the slaughter of citizens who bore no resemblance to himself. He was fortunate—if at least there can be any good fortune in wickedness. But since we wish to show a regard for the veterans, although the cause of the soldiers is very different from yours; they followed their chief; you went to seek for a leader; still (that I may not give you any pretence for stirring up odium against me among them), I will say nothing of the nature of the war.

[8] She was a courtesan who had been enfranchised by her master Volumnius. The name of Volumnia was dear to the Romans as that of the wife of Coriolanus, to whose entreaties he had yielded when he drew off his army from the neighborhood of Rome.

When victorious, you returned with the legions from Thessaly to Brundusium. There you did not put me to death. It was a great kindness! For I confess that you could have done it. Although there was no one of those men who were with you at that time, who did not think that I ought to be spared. For so great is men's affection for their country, that I was sacred even in the eyes of your legions, because they recollected that the country had been saved by me. However, grant that you did give me what you did not take away from me; and that I have my life as a present from you, since it was not taken from me by you; was it possible for me, after all your insults, to regard that kindness of yours as I regarded it at first, especially after you saw that you must hear this reply from me?

You came to Brundusium, to the bosom and embraces of your actress. What is the matter? Am I speaking falsely? How miserable is it not to be able to deny a fact which it is disgraceful to confess! If you had no shame before the municipal towns, had you none even before your veteran army? For what soldier was there who did not see her at Brundusium? who was there who did not know that she had come so many days' journey to congratulate you? who was there who did not grieve that he was so late in finding out how worthless a man he had been following?

Again you made a tour through Italy, with that same actress for your companion. Cruel and miserable was the way in which you led your soldiers into the towns; shameful was the pillage in every city, of gold and silver, and above all, of wine. And besides all this, while Cæsar knew nothing about it, as he was at Alexandria, Antonius, by the kindness of Cæsar's friends, was appointed his master of the horse. Then he thought that he could live with Hippia[9] by virtue of his office, and that he might give horses which were the property of the state to Sergius the buffoon. At that time he had selected for himself to live in, not the house which he now dishonors, but that of Marcus Piso. Why need I mention his decrees, his robberies, the possessions of inheritances which were given him, and those, too, which were seized by him? What compelled him; he did not know where to turn. That great inheritance from Lucius Rubrius, and that other from Lucius Turselius,

[9] This is a play on the name Hippia, as derived from ἵππος, a horse.

had not yet come to him. He had not yet succeeded as an unexpected heir to the place of Cnæus Pompeius, and of many others who were absent. He was forced to live like a robber, having nothing beyond what he could plunder from others.

However, we will say nothing of these things, which are acts of a more hardy sort of villany. Let us speak rather of his meaner descriptions of worthlessness. You, with those jaws of yours, and those sides of yours, and that strength of body suited to a gladiator, drank such quantities of wine at the marriage of Hippia, that you were forced to vomit the next day in the sight of the Roman people. O action disgraceful not merely to see, but even to hear of! If this had happened to you at supper amid those vast drinking-cups of yours, who would not have thought it scandalous? But in an assembly of the Roman people, a man holding a public office, a master of the horse, to whom it would have been disgraceful even to belch, vomiting filled his own bosom and the whole tribunal with fragments of what he had been eating reeking with wine. But he himself confesses this among his other disgraceful acts. Let us proceed to his more splendid offences.

Cæsar came back from Alexandria, fortunate, as he seemed at least to himself; but in my opinion no one can be fortunate who is unfortunate for the republic. The spear was set up in front of the temple of Jupiter Stator, and the property of Cnæus Pompeius Magnus—(miserable that I am, for even now that my tears have ceased to flow, my grief remains deeply implanted in my heart)—the property, I say, of Cnæus Pompeius the Great was submitted to the pitiless voice of the auctioneer. On that one occasion the state forgot its slavery, and groaned aloud; and though men's minds were enslaved, as everything was kept under by fear, still the groans of the Roman people were free. While all men were waiting to see who would be so impious, who would be so mad, who would be so declared an enemy to gods and to men as to dare to mix himself up with that wicked auction, no one was found except Antonius, even though there were plenty of men collected round that spear [10] who would have dared anything else. One man alone was

[10] The custom of erecting a spear wherever an auction was held is well known; it is said to have arisen from the ancient practice of selling under a spear the booty acquired in war.

found to dare to do that which the audacity of everyone else had shrunk from and shuddered at. Were you, then, seized with such stupidity—or, I should rather say, with such insanity—as not to see that if you, being of the rank in which you were born, acted as a broker at all, and above all as a broker in the case of Pompeius's property, you would be execrated and hated by the Roman people, and that all gods and all men must at once become and forever continue hostile to you? But with what violence did that glutton immediately proceed to take possession of the property of that man, to whose valor it had been owing that the Roman people had been more terrible to foreign nations, while its justice had made it dearer to them.

When, therefore, this fellow had begun to wallow in the treasures of that great man, he began to exult like a buffoon in a play, who has lately been a beggar, and has become suddenly rich. But, as some poet or other says:

"Ill-gotten gains come quickly to an end."

It is an incredible thing, and almost a miracle, how he in a few, not months, but days, squandered all that vast wealth. There was an immense quantity of wine, an excessive abundance of very valuable plate, much precious apparel, great quantities of splendid furniture, and other magnificent things in many places, such as one was likely to see belonging to a man who was not indeed luxurious, but who was very wealthy. Of all this in a few days there was nothing left. What Charybdis was ever so voracious? Charybdis, do I say? Charybdis, if she existed at all, was only one animal. The ocean, I swear most solemnly, appears scarcely capable of having swallowed up such numbers of things so widely scattered, and distributed in such different places, with such rapidity. Nothing was shut up, nothing sealed up, no list was made of anything. Whole storehouses were abandoned to the most worthless of men. Actors seized on this, actresses on that; the house was crowded with gamblers, and full of drunken men; people were drinking all day, and that, too, in many places; there were added to all this expense (for this fellow was not invariably fortunate) heavy gambling losses. You might see in the cellars of the slaves, couches covered with the most richly embroidered counterpanes of Cnæus Pompeius. Wonder not, then, that all these things

were so soon consumed. Such profligacy as that could have devoured not only the patrimony of one individual, however ample it might have been (as indeed his was), but whole cities and kingdoms.

And then his houses and gardens! Oh, the cruel audacity! Did you dare to enter into that house? Did you dare to cross that most sacred threshold? and to show your most profligate countenance to the household gods who protect that abode? A house which for a long time no one could behold, no one could pass by without tears! Are you not ashamed to dwell so long in that house? one in which, stupid and ignorant as you are, still you can see nothing which it not painful to you.

When you behold those beaks of ships in the vestibule, and those warlike trophies, do you fancy that you are entering into a house which belongs to you? It is impossible. Although you are devoid of all sense and all feeling—as in truth you are—still you are acquainted with yourself, and with your trophies, and with your friends. Nor do I believe that you, either waking or sleeping, can ever act with quiet sense. It is impossible but that, were you ever so drunk and frantic—as in truth you are—when the recollection of the appearance of that illustrious man comes across you, you should be roused from sleep by your fears, and often stirred up to madness if awake. I pity even the walls and the roof. For what had that house ever beheld except what was modest, except what proceeded from the purest principles and from the most virtuous practice? For that man was, O conscript fathers, as you yourselves know, not only illustrious abroad, but also admirable at home; and not more praiseworthy for his exploits in foreign countries, than for his domestic arrangements. Now in his house every bedchamber is a brothel, and every dining-room a cookshop. Although he denies this: Do not, do not make inquiries. He is become economical. He desired that mistress of his to take possession of whatever belonged to her, according to the laws of the Twelve Tables. He has taken his keys from her, and turned her out of doors. What a well-tried citizen! of what proved virtue is he! the most honorable passage in whose life is the one when he divorced himself from this actress.

But how constantly does he harp on the expression "the consul Antonius"! This amounts to say "that most de-

bauched consul," "that most worthless of men, the consul." For what else is Antonius? For if any dignity were implied in the name, then, I imagine, your grandfather would sometimes have called himself "the consul Antonius." But he never did. My colleague, too, your own uncle, would have called himself so. Unless you are the only Antonius. But I pass over those offences which have no peculiar connection with the part you took in harassing the republic; I return to that in which you bore so principal a share—that is, to the civil war; and it is mainly owing to you that that was originated, and brought to a head, and carried on.

Though you yourself took no personal share in it, partly through timidity, partly through profligacy, you had tasted, or rather had sucked in, the blood of fellow-citizens: you had been in the battle of Pharsalia as a leader; you had slain Lucius Domitius, a most illustrious and high-born man; you had pursued and put to death in the most barbarous manner many men who had escaped from the battle, and whom Cæsar would perhaps have saved, as he did some others.

And after having performed these exploits, what was the reason why you did not follow Cæsar into Africa; especially when so large a portion of the war was still remaining? And accordingly, what place did you obtain about Cæsar's person after his return from Africa? What was your rank? He whose quæstor you had been when general, whose master of the horse when he was dictator, to whom you had been the chief cause of war, the chief instigator of cruelty, the sharer of his plunder, his son, as you yourself said, by inheritance, proceeded against you for the money which you owed for the house and gardens, and for the other property which you had bought at that sale. At first you answered fiercely enough; and that I may not appear prejudiced against you in every particular, you used a tolerably just and reasonable argument. "What, does Caius Cæsar demand money of me? why should he do so, any more than I should claim it of him? Was he victorious without my assistance? No; and he never could have been. It was I who supplied him with a pretext for civil war; it was I who proposed mischievous laws; it was I who took up arms against the consuls and generals of the Roman people, against the Senate and people of Rome, against the gods of the coun-

try, against its altars and hearths, against the country itself. Has he conquered for himself alone? Why should not those men whose common work the achievement is, have the booty also in common? You were only claiming your right, but what had that to do with it? He was the more powerful of the two.

Therefore, stopping all your expostulations, he sent his soldiers to you, and to your sureties; when all on a sudden out came that splendid catalogue of yours. How men did laugh! That there should be so vast a catalogue, that there should be such a numerous and various list of possessions, of all of which, with the exception of a portion of Misenum, there was nothing which the man who was putting them up to sale could call his own. And what a miserable sight was the auction. A little apparel of Pompeius's, and that stained; a few silver vessels belonging to the same man, all battered; some slaves in wretched condition; so that we grieved that there was anything remaining to be seen of these miserable relics. This auction, however, the heirs of Lucius Rubrius prevented from proceeding, being armed with a decree of Cæsar to that effect. The spendthrift was embarrassed. He did not know which way to turn. It was at this very time that an assassin sent by him was said to have been detected with a dagger in the house of Cæsar. And of this Cæsar himself complained in the Senate, inveighing openly against you. Cæsar departs to Spain, having granted you a few days' delay for making the payment, on account of your poverty. Even then you do not follow him. Had so good a gladiator as you retired from business so early? Can anyone, then, fear a man who was as timid as this man in upholding his party, that is, in upholding his own fortunes?

After some time he at last went into Spain; but, as he says, he could not arrive there in safety. How, then, did Dolabella manage to arrive there? Either, O Antonius, that cause ought never to have been undertaken, or when you had undertaken it, it should have been maintained to the end. Thrice did Cæsar fight against his fellow-citizens; in Thessaly, in Africa, and in Spain. Dolabella was present at all these battles. In the battle in Spain he even received a wound. If you ask my opinion, I wish he had not been there. But still, if his design at first was blamable, his consistency and firmness were praiseworthy.

But what shall we say of you? In the first place, the children of Cnæus Pompeius sought to be restored to their country. Well, this concerned the common interests of the whole party. Besides that, they sought to recover their household gods, the gods of their country, their altars, their hearths, the tutelar gods of their family; all of which you had seized upon. And when they sought to recover those things by force of arms which belonged to them by the laws, who was it most natural (although in unjust and unnatural proceedings what can there be that is natural?)—still, who was it most natural to expect would fight against the children of Cnæus Pompeius? Who? Why, you who had bought their property. Were you at Narbo to be sick over the tables of your entertainers, while Dolabella was fighting your battles in Spain?

And what return was that of yours from Narbo? He even asked why I had returned so suddenly from my expedition. I have just briefly explained to you, O conscript fathers, the reason of my return. I was desirous, if I could, to be of service to the republic even before the first of January. For, as to your question, how I had returned; in the first place, I returned by daylight, not in the dark; in the second place, I returned in shoes, and in my Roman gown, not in any Gallic slippers, or barbarian mantle. And even now you keep looking at me; and, as it seems, with great anger. Surely you would be reconciled to me if you knew how ashamed I am of your worthlessness, which you yourself are not ashamed of. Of all the profligate conduct of all the world, I never saw, I never heard of any more shameful than yours. You, who fancied yourself a master of the horse, when you were standing for, or I should rather say begging for the consulship for the ensuing year, ran in Gallic slippers and a barbarian mantle about the municipal towns and colonies of Gaul from which we used to demand the consulship when the consulship was stood for and not begged for.

But mark now the trifling character of the fellow. When about the tenth hour of the day he had arrived at Red Rocks, he skulked into a little petty wine-shop, and, hiding there, kept on drinking till evening. And from thence getting into a gig and being driven rapidly to the city, he came to his own house with his head veiled. "Who are you?" says the porter. "An

express from Marcus." He is at once taken to the woman for whose sake he had come; and he delivered the letter to her. And when she had read it with tears (for it was written in a very amorous style, but the main subject of the letter was that he would have nothing to do with that actress for the future; that he had discarded all his love for her, and transferred it to his correspondent), when she, I say, wept plentifully, this soft-hearted man could bear it no longer; he uncovered his head and threw himself on her neck. Oh, the worthless man (for what else can I call him? there is no more suitable expression for me to use)! was it for this that you disturbed the city by nocturnal alarms, and Italy with fears of many days' duration, in order that you might show yourself unexpectedly, and that a woman might see you before she hoped to do so? And he had at home a pretence of love; but out of doors a cause more discreditable still; namely, lest Lucius Plancus should sell up his sureties. But after you had been produced in the assembly by one of the tribunes of the people, and had replied that you had come on your own private business, you made even the people full of jokes against you. But, however, we have said too much about trifles. Let us come to more important subjects.

You went a great distance to meet Cæsar on his return from Spain. You went rapidly, you returned rapidly, in order that we might see that, if you were not brave, you were at least active. You again became intimate with him; I am sure I do not know how. Cæsar had this peculiar characteristic; whoever he knew to be utterly ruined by debt, and needy, even if he knew him also to be an audacious and worthless man, he willingly admitted him to his intimacy. You then, being admirably recommended to him by these circumstances, were ordered to be appointed consul, and that, too, as his own colleague. I do not make any complaint against Dolabella, who was at that time acting under compulsion, and was cajoled and deceived. But who is there who does not know with what great perfidy both of you treated Dolabella in that business? Cæsar induced him to stand for the consulship. After having promised it to him, and pledged himself to aid him, he prevented his getting it, and transferred it to himself. And you indorsed his treachery with your own eagerness.

The first of January arrives. We are convened in the Senate.

Dolabella inveighed against him with much more fluency and premeditation than I am doing now. And what things were they which he said in his anger, O ye good gods! First of all, after Cæsar had declared that before he departed he would order Dolabella to be made consul (and they deny that he was a king who was always doing and saying something of this sort)—but after Cæsar had said this, then this virtuous augur said that he was invested with a pontificate of that sort that he was able, by means of the auspices, either to hinder or to vitiate the comitia, just as he pleased; and he declared that he would do so. And here, in the first place, remark the incredible stupidity of the man. For what do you mean? Could you not just as well have done what you said you had now the power to do by the privileges with which that pontificate had invested you, even if you were not an augur, if you were consul? Perhaps you could even do it more easily. For we augurs have only the power of announcing that the auspices are being observed, but the consuls and other magistrates have the right also of observing them whenever they choose. Be it so. You said this out of ignorance. For one must not demand prudence from a man who is never sober. But still remark his impudence. Many months before, he said in the Senate that he would either prevent the comitia from assembling for the election of Dolabella by means of the auspices, or that he would do what he actually did do. Can anyone divine beforehand what defect there will be in the auspices, except the man who has already determined to observe the heavens? which in the first place it is forbidden by law to do at the time of the comitia. And if anyone has been observing the heavens, he is bound to give notice of it, not after the comitia are assembled, but before they are held. But this man's ignorance is joined to impudence, nor does he know what an augur ought to know, nor do what a modest man ought to do. And just recollect the whole of his conduct during his consulship from that day up to the ides of March. What lictor was ever so humble, so abject? He himself had no power at all; he begged everything of others; and thrusting his head into the hind part of his litter, he begged favors of his colleagues, to sell them himself afterward.

Behold, the day of the comitia for the election of Dolabella arrives. The prerogative century draws its lot. He is quiet.

The vote is declared; he is still silent. The first class is called.[11] Its vote is declared. Then, as is the usual course, the votes are announced. Then the second class. And all this is done faster than I have told it. When the business is over, that excellent augur (you would say he must be Caius Lælius) says, "We adjourn it to another day." Oh, the monstrous impudence of such a proceeding! What had you seen? what had you perceived? what had you heard? For you did not say that you had been observing the heavens, and indeed you do not say so this day. That defect, then, has arisen, which you on the first of January had already foreseen would arise, and which you had predicted so long before. Therefore, in truth, you have made a false declaration respecting the auspices, to your own great misfortune, I hope, rather than to that of the republic. You laid the Roman people under the obligations of religion; you as augur interrupted an augur; you as consul interrupted a consul by a false declaration concerning the auspices.

I will say no more, lest I should seem to be pulling to pieces the acts of Dolabella; which must inevitably some time or other be brought before our college. But take notice of the arrogance and insolence of the fellow. As long as you please, Dolabella is a consul irregularly elected; again, while you please, he is a consul elected with all proper regard to the auspices. If it means nothing when an augur gives this notice in those words in which you gave notice, then confess that you, when you said, "We adjourn this to another day," were not sober. But if those words have any meaning, then I, an augur, demand of my colleague to know what that meaning is.

But lest by any chance, while enumerating his numerous exploits, our speech should pass over the finest action of Marcus Antonius, let us come to the Lupercalia.

He does not dissemble, O conscript fathers; it is plain that he is agitated; he perspires; he turns pale. Let him do what he pleases, provided he is not sick, and does not behave as he did in the Minucian colonnade. What defence can be made for such beastly behavior? I wish to hear, that I may see the fruit of those high wages of that rhetorician, of that land given in Leontini. Your colleague was sitting in the rostra, clothed in purple robe, on a golden chair, wearing a crown. You mount

[11] There seems some corruption here. Orellius apparently thinks the case hopeless.

the steps; you approach his chair (if you were a priest of Pan, you ought to have recollected that you were consul too); you display a diadem. There is a groan over the whole forum. Where did the diadem come from? For you had not picked it up when lying on the ground, but you had brought it from home with you, a premeditated and deliberately planned wickedness. You placed the diadem on his head amidst the groans of the people; he rejected it amidst great applause. You then alone, O wicked man, were found, both to advise the assumption of kingly power, and to wish to have him for your master who was your colleague; and also to try what the Roman people might be able to bear and to endure. Moreover, you even sought to move his pity; you threw yourself at his feet as a supplicant; begging for what? to be a slave? You might beg it for yourself, when you had lived in such a way from the time that you were a boy that you could bear everything, and would find no difficulty in being a slave; but certainly you had no commission from the Roman people to try for such a thing for them.

Oh, how splendid was that eloquence of yours, when you harangued the people stark naked! What could be more foul than this? more shameful than this? more deserving of every sort of punishment? Are you waiting for me to prick you more? This that I am saying must tear you and bring blood enough if you have any feeling at all. I am afraid that I may be detracting from the glory of some most eminent men. Still my indignation shall find a voice. What can be more scandalous than for that man to live who placed a diadem on a man's head, when everyone confesses that that man was deservedly slain who rejected it? And, moreover, he caused it to be recorded in the annals, under the head of Lupercalia, "That Marcus Antonius, the consul, by command of the people, had offered the kingdom to Caius Cæsar, perpetual dictator; and that Cæsar had refused to accept it." I now am not much surprised at your seeking to disturb the general tranquillity; at your hating not only the city but the light of day; and at your living with a pack of abandoned robbers, disregarding the day, and yet regarding nothing beyond the day.[12] For where can you be safe

[12] The Latin is, "non solum de die, sed etiam in diem, vivere;" which the commentators explain, "De die is to feast every day and all day. Banquets

in peace? What place can there be for you where laws and courts of justice have sway, both of which you, as far as in you lay, destroyed by the substitution of kingly power? Was it for this that Lucius Tarquinius was driven out; that Spurius Cassius, and Spurius Mælius, and Marcus Manlius were slain; that many years afterward a king might be established at Rome by Marcus Antonius, though the bare idea was impiety? However, let us return to the auspices.

With respect to all the things which Cæsar was intending to do in the Senate on the ides of March, I ask whether you have done anything? I heard, indeed, that you had come down prepared, because you thought that I intended to speak about your having made a false statement respecting the auspices, though it was still necessary for us to respect them. The fortune of the Roman people saved us from that day. Did the death of Cæsar also put an end to your opinion respecting the auspices? But I have come to mention that occasion which must be allowed to precede those matters which I had begun to discuss. What a flight was that of yours! What alarm was yours on that memorable day! How, from the consciousness of your wickedness, did you despair of your life! How, while flying, were you enabled secretly to get home by the kindness of those men who wished to save you, thinking you would show more sense than you do! Oh, how vain have at all times been my too true predictions of the future! I told those deliverers of ours in the Capitol, when they wished me to go to you to exhort you to defend the republic, that as long as you were in fear you would promise everything, but that as soon as you had emancipated yourself from alarm you would be yourself again. Therefore, while the rest of the men of consular rank were going backward and forward to you, I adhered to my opinion, nor did I see you at all that day, or the next; nor did I think it possible for an alliance between virtuous citizens and a most unprincipled enemy to be made, so as to last, by any treaty or engagement whatever. The third day I came into the temple of Tellus, even then very much against my will, as armed men were blockading all the approaches. What a day was that for you, O Marcus Antonius! Although you showed yourself all on a

de die are those which begin before the regular hour." (Like Horace's "Partem solido demere de die.") "To live in diem is to live so as to have no thought for the future."—Grævius.

sudden an enemy to me; still I pity you for having envied yourself.

What a man, O ye immortal gods! and how great a man might you have been, if you had been able to preserve the inclination you displayed that day; we should still have peace which was made then by the pledge of a hostage, a boy of noble birth, the grandson of Marcus Bambalio. Although it was fear that was then making you a good citizen, which is never a lasting teacher of duty; your own audacity, which never departs from you as long as you are free from fear, has made you a worthless one. Although even at that time, when they thought you an excellent man, though I indeed differed from that opinion, you behaved with the greatest wickedness while presiding at the funeral of the tyrant, if that ought to be called a funeral. All that fine panegyric was yours, that commiseration was yours, that exhortation was yours. It was you—you, I say—who hurled those firebrands, both those with which your friend himself was nearly burned, and those by which the house of Lucius Bellienus was set on fire and destroyed. It was you who let loose those attacks of abandoned men, slaves for the most part, which we repelled by violence and our own personal exertions; it was you who set them on to attack our houses. And yet you, as if you had wiped off all the soot and smoke in the ensuing days, carried those excellent resolutions in the Capitol, that no document conferring any exemption, or granting any favor, should be published after the ides of March. You recollect yourself, what you said about the exiles; you know what you said about the exemption; but the best thing of all was, that you forever abolished the name of the dictatorship in the republic. Which act appeared to show that you had conceived such a hatred of kingly power that you took away all fear of it for the future, on account of him who had been the last dictator.

To other men the republic now seemed established, but it did not appear so at all to me, as I was afraid of every sort of shipwreck, as long as you were at the helm. Have I been deceived? or, was it possible for that man long to continue unlike himself? While you were all looking on, documents were fixed up over the whole Capitol, and exemptions were being sold, not merely to individuals, but to entire states. The freedom of the city

was also being given now not to single persons only, but to whole provinces. Therefore, if these acts are to stand—and stand they cannot if the republic stands too—then, O conscript fathers, you have lost whole provinces; and not the revenues only, but the actual empire of the Roman people has been diminished by a market this man held in his own house.

Where are the seven hundred millions of sesterces which were entered in the account-books which are in the temple of Ops? a sum lamentable indeed, as to the means by which it was procured, but still one which, if it were not restored to those to whom it belonged, might save us from taxes. And how was it, that when you owed forty millions of sesterces on the fifteenth of March, you had ceased to owe them by the first of April? Those things are quite countless which were purchased of different people, not without your knowledge; but there was one excellent decree posted up in the Capitol affecting king Deiotarus, a most devoted friend to the Roman people. And when that decree was posted up, there was no one who, amid all his indignation, could restrain his laughter. For who ever was a more bitter enemy to another than Cæsar was to Deiotarus? He was as hostile to him as he was to this order, to the equestrian order, to the people of Massilia, and to all men whom he knew to look on the republic of the Roman people with attachment. But this man, who neither present nor absent could ever obtain from him any favor or justice while he was alive, became quite an influential man with him when he was dead. When present with him in his house he had called for him though he was his host, he had made him give in his accounts of his revenue, he had exacted money from him; he had established one of his Greek retainers in his tetrarchy, and he had taken Armenia from him which had been given to him by the Senate. While he was alive he deprived him of all these things; now that he is dead, he gives them back again. And in what words? At one time he says, "that it appears to him to be just. . . ." at another, "that it appears not to be unjust. . . ." What a strange combination of words! But while alive (I know this, for I always supported Deiotarus, who was at a distance), he never said that anything which we were asking for, for him, appeared just to him. A bond for ten millions of sesterces was entered into in the women's apartment (where many

things have been sold, and are still being sold), by his ambassadors, well-meaning men, but timid and inexperienced in business, without my advice or that of the rest of the hereditary friends of the monarch. And I advise you to consider carefully what you intend to do with reference to this bond. For the king himself, of his own accord, without waiting for any of Cæsar's memoranda, the moment that he heard of his death, recovered his own rights by his own courage and energy. He, like a wise man, knew that this was always the law, that those men from whom the things which tyrants had taken away had been taken, might recover them when the tyrants were slain. No lawyer, therefore, not even he who is your lawyer and yours alone, and by whose advice you do all these things, will say that anything is due to you by virtue of that bond for those things which had been recovered before that bond was executed. For he did not purchase them of you; but, before you undertook to sell him his own property, he had taken possession of it. He was a man—we, indeed, deserve to be despised, who hate the author of the actions, but uphold the actions themselves.

Why need I mention the countless mass of papers, the innumerable autographs which have been brought forward? writings of which there are imitators who sell their forgeries as openly as if they were gladiator's play-bills. Therefore, there are now such heaps of money piled up in that man's house, that it is weighed out instead of being counted.[13] But how blind is avarice! Lately, too, a document has been posted up by which the most wealthy cities of the Cretans are released from tribute; and by which it is ordained that after the expiration of the consulship of Marcus Brutus, Crete shall cease to be a province. Are you in your senses? Ought you not to be put in confinement? Was it possible for there really to be a decree of Cæsar's exempting Crete after the departure of Marcus Brutus, when Brutus had no connection whatever with Crete while Cæsar was alive? But by the sale of this decree (that you may not, O conscript fathers, think it wholly ineffectual) you have lost the province of Crete. There was nothing in the whole world which anyone wanted to buy that this fellow was not ready to sell.

[13] This accidental resemblance to the incident in the "Forty Thieves" in the "Arabian Nights" is curious.

Cæsar, too, I suppose, made the law about the exiles which you have posted up. I do not wish to press upon anyone in misfortune; I only complain, in the first place, that the return of those men has had discredit thrown upon it, whose cause Cæsar judged to be different from that of the rest; and in the second place, I do not know why you do not mete out the same measure to all. For there cannot be more than three or four left. Why do not they who are in similar misfortune enjoy a similar degree of your mercy? Why do you treat them as you treated your uncle? about whom you refused to pass a law when you were passing one about all the rest; and whom at the same time you encouraged to stand for the censorship, and instigated him to a canvass, which excited the ridicule and the complaint of everyone.

But why did you not hold that comitia? Was it because a tribune of the people announced that there had been an ill-omened flash of lightning seen? When you have any interest of your own to serve, then auspices are all nothing; but when it is only your friends who are concerned, then you become scrupulous. What more? Did you not also desert him in the matter of the septemvirate?[14] "Yes, for he interfered with me." What were you afraid of? I suppose you were afraid that you would be able to refuse him nothing if he were restored to the ful possession of his rights. You loaded him with every species of insult, a man whom you ought to have considered in the place of a father to you, if you had had any piety or natural affection at all. You put away his daughter, your own cousin, having already looked out and provided yourself beforehand with another. That was not enough. You accused a most chaste woman of misconduct. What can go beyond this? Yet you were not content with this. In a very full Senate held on the first of January, while your uncle was present, you dared to say that this was your reason for hatred of Dolabella, that you had ascertained that he had committed adultery with your cousin and your wife. Who can decide whether it was more

[14] The septemviri, at full length septemviri epulones or epulonum, were originally triumviri. They were first created B.C. 198, to attend to the epulum Jovis, and the banquets given in honor of the other gods, which duty had originally belonged to the pontifices. Julius Cæsar added three more, but that alteration did not last. They formed a collegium, and were one of the four great religious corporations at Rome with the pontifices, the augures, and the quindecemviri. Smith, Dictionary of Antiquities, v. Epulones.

shameless of you to make such profligate and such impious statements against that unhappy woman in the Senate, or more wicked to make them against Dolabella, or more scandalous to make them in the presence of her father, or more cruel to make them at all?

However, let us return to the subject of Cæsar's written papers. How were they verified by you? For the acts of Cæsar were for peace's sake confirmed by the Senate; that is to say, the acts which Caesar had really done, not those which Antonius said that Cæsar had done. Where do all these come from? By whom are they produced and vouched for? If they are false, why are they ratified? If they are true, why are they sold? But the vote which was come to enjoined you, after the first of June, to make an examination of Cæsar's acts with the assistance of a council. What council did you consult? whom did you ever invite to help you? what was the first of June that you waited for? Was it that day on which you, having travelled all through the colonies where the veterans were settled, returned escorted by a band of armed men?

Oh, what a splendid progress of yours was that in the months of April and May, when you attempted even to lead a colony to Capua! How you made your escape from thence, or rather how you barely made your escape, we all know. And now you are still threatening that city. I wish you would try, and we should not then be forced to say "barely." However, what a splendid progress of yours that was! Why need I mention your preparations for banquets, why your frantic hard drinking? Those things are only an injury to yourself; these are injuries to us. We thought that a great blow was inflicted on the republic when the Campanian district was released from the payment of taxes, in order to be given to the soldiery; but you have divided it among your partners in drunkenness and gambling. I tell you, O conscript fathers, that a lot of buffoons and actresses have been settled in the district of Campania. Why should I now complain of what has been done in the district of Leontini? Although formerly these lands of Campania and Leontini were considered part of the patrimony of the Roman people, and were productive of great revenue, and very fertile. You gave your physician three thousand acres; what would you have done if he had cured you? and two thousand

to your master of oratory; what would you have done if he had been able to make you eloquent? However, let us return to your progress, and to Italy.

You led a colony to Casilinum, a place to which Cæsar had previously led one. You did indeed consult me by letter about the colony of Capua (but I should have given you the same answer about Casilinum), whether you could legally lead a new colony to a place where there was a colony already. I said that a new colony could not be legally conducted to an existing colony, which had been established with a due observance of the auspices, as long as it remained in a flourishing state; but I wrote you word that new colonists might be enrolled among the old ones. But you, elated and insolent, disregarding all the respect due to the auspices, led a colony to Casilinum, whither one had been previously led a few years before; in order to erect your standard there, and to mark out the line of the new colony with a plough. And by that plough you almost grazed the gate of Capua, so as to diminish the territory of that flourishing colony. After this violation of all religious observances, you hasten off to the estate of Marcus Varro, a most conscientious and upright man, at Casinum. By what right? with what face do you do this? By just the same, you will say, as that by which you entered on the estates of the heirs of Lucius Rubrius, or of the heirs of Lucius Turselius, or on other innumerable possessions. If you got the right from any auction, let the auction have all the force to which it is entitled; let writings be of force, provided they are the writings of Cæsar, and not your own; writings by which you are bound, not those by which you have released yourself from obligation.

But who says that the estate of Varro at Casinum was ever sold at all? who ever saw any notice of that auction? who ever heard the voice of the auctioneer? You say that you sent a man to Alexandria to buy it of Cæsar. It was too long to wait for Cæsar himself to come! But who ever heard (and there was no man about whose safety more people were anxious) that any part whatever of Varro's property had been confiscated? What? what shall we say if Cæsar even wrote you that you were to give it up? What can be said strong enough for such enormous impudence? Remove for a while those swords which we see around us. You shall now see that the cause of Cæsar's

auctions is one thing, and that of your confidence and rashness is another. For not only shall the owner drive you from that estate, but any one of his friends, or neighbors, or hereditary connections, and any agent, will have the right to do so.

But how many days did he spend revelling in the most scandalous manner in that villa! From the third hour there was one scene of drinking, gambling, and vomiting. Alas for the unhappy house itself! how different a master from its former one has it fallen to the share of! Although, how is he the master at all? but still by how different a person has it been occupied! For Marcus Varro used it as a place of retirement for his studies, not as a theatre for his lusts. What noble discussions used to take place in that villa! what ideas were originated there! what writings were composed there! The laws of the Roman people, the memorials of our ancestors, the consideration of all wisdom and all learning, were the topics that used to be dwelt on then; but now, while you were the intruder there (for I will not call you the master), every place was resounding with the voices of drunken men; the pavements were floating with wine; the walls were dripping; nobly-born boys were mixing with the basest hirelings; prostitutes with mothers of families. Men came from Casinum, from Aquinum, from Interamna to salute him. No one was admitted. That, indeed, was proper. For the ordinary marks of respect were unsuited to the most profligate of men. When going from thence to Rome he approached Aquinum, a pretty numerous company (for it is a populous municipality) came out to meet him. But he was carried through the town in a covered litter, as if he had been dead. The people of Aquinum acted foolishly, no doubt; but still they were in his road. What did the people of Anagnia do? who, although they were out of his line of road, came down to meet him, in order to pay him their respects, as if he were consul. It is an incredible thing to say, but still it was only too notorious at the time, that he returned nobody's salutation; especially as he had two men of Anagnia with him, Mustela and Laco; one of whom had the care of his swords, and the other of his drinking-cups.

Why should I mention the threats and insults with which he inveighed against the people of Teanum Sidicinum, with which he harassed the men of Puteoli, because they had adopted

Caius Cassius and the Bruti as their patrons? a choice dictated, in truth, by great wisdom, and great zeal, benevolence, and affection for them; not by violence and force of arms, by which men have been compelled to choose you, and Basilus, and others like you both—men whom no one would choose to have for his own clients, much less to be their client himself.

In the mean time, while you yourself were absent, what a day was that for your colleague when he overturned that tomb in the forum, which you were accustomed to regard with veneration! And when that action was announced to you, you—as is agreed upon by all who were with you at the time—fainted away. What happened afterward I know not. I imagine that terror and arms got the mastery. At all events, you dragged your colleague down from his heaven; and you rendered him, not even now like yourself, at all events very unlike his own former self.

After that what a return was that of yours to Rome! How great was the agitation of the whole city! We recollected Cinna being too powerful; after him we had seen Sylla with absolute authority, and we had lately beheld Cæsar acting as king. There were perhaps swords, but they were sheathed, and they were not very numerous. But how great and how barbaric a procession is yours! Men follow you in battle array with drawn swords; we see whole litters full of shields borne along. And yet by custom, O conscript fathers, we have become inured and callous to these things. When on the first of June we wished to come to the Senate, as it had been ordained, we were suddenly frightened and forced to flee. But he, having no need of a Senate, did not miss any of us, and rather rejoiced at our departure, and immediately proceeded to those marvellous exploits of his. He who had defended the memoranda of Cæsar for the sake of his own profit, overturned the laws of Cæsar—and good laws, too—for the sake of being able to agitate the republic. He increased the number of years that magistrates were to enjoy their provinces; moreover, though he was bound to be the defender of the acts of Cæsar, he rescinded them both with reference to public and private transactions.

In public transactions nothing is more authoritative than law; in private affairs the most valid of all deeds is a will. Of the laws, some he abolished without giving the least notice;

others he gave notice of bills to abolish. Wills he annulled, though they have been at all times held sacred even in the case of the very meanest of the citizens. As for the statues and pictures which Cæsar bequeathed to the people, together with his gardens, those he carried away, some to the house which belonged to Pompeius, and some to Scipio's villa.

And are you, then, diligent in doing honor to Cæsar's memory? Do you love him even now that he is dead? What greater honor had he obtained than that of having a holy cushion, an image, a temple, and a priest? As then Jupiter, and Mars, and Quirinus have priests, so Marcus Antonius is the priest of the god Julius. Why, then, do you delay? why are not you inaugurated? Choose a day; select someone to inaugurate you; we are colleagues; no one will refuse. O you detestable man, whether you are the priest of a tyrant, or of a dead man! I ask you, then, whether you are ignorant what day this is? Are you ignorant that yesterday was the fourth day of the Roman games in the Circus? and that you yourself submitted a motion to the people, that a fifth day should be added besides, in honor of Cæsar? Why are we not all clad in the prætexta? Why are we permitting the honor which by your law was appointed for Cæsar to be deserted? Had you no objection to so holy a day being polluted by the addition of supplications, while you did not choose it to be so by the addition of ceremonies connected with a sacred cushion? Either take away religion in every case or preserve it in every case.

You will ask whether I approve of his having a sacred cushion, a temple, and a priest? I approve of none of those things. But you, who are defending the acts of Cæsar, what reason can you give for defending some, and disregarding others? unless, indeed, you choose to admit that you measure everything by your own gain, and not by his dignity. What will you now reply to these arguments (for I am waiting to witness your eloquence; I knew your grandfather, who was a most eloquent man, but I know you to be a more undisguised speaker than he was; he never harangued the people naked; but we have seen your breast, man, without disguise as you are)? Will you make any reply to these statements? will you dare to open your mouth at all? Can you find one single article in this long speech of mine, to which you trust that you can make any answer? However, we will say no more of what is past.

But this single day, this very day that now is, this very moment while I am speaking, defend your conduct during this very moment, if you can. Why has the Senate been surrounded with a belt of armed men? Why are your satellites listening to me sword in hand? Why are not the folding-doors of the temple of Concord open? Why do you bring men of all nations the most barbarous, Ityreans, armed with arrows, into the forum? He says that he does so as a guard. Is it not, then, better to perish a thousand times than to be unable to live in one's own city without a guard of armed men? But believe me, there is no protection in that; a man must be defended by the affection and good-will of his fellow-citizens, not by arms. The Roman people will take them from you, will wrest them from your hands; I wish that they may do so while we are still safe. But however you treat us, as long as you adopt those counsels, it is impossible for you, believe me, to last long. In truth, that wife of yours, who is so far removed from covetousness, and whom I mention without intending any slight to her, has been too long owing [15] her third payment to the state. The Roman people has men to whom it can intrust the helm of the state; and wherever they are, there is all the defence of the republic, or rather, there is the republic itself; which as yet has only avenged, but has not re-established itself. Truly and surely has the republic most high-born youths ready to defend it, though they may for a time keep in the background from a desire for tranquillity, still they can be recalled by the republic at any time.

The name of peace is sweet, the thing itself is most salutary. But between peace and slavery there is a wide difference. Peace is liberty in tranquillity; slavery is the worst of all evils—to be repelled, if need be, not only by war, but even by death. But if those deliverers of ours have taken themselves away out of our sight, still they have left behind the example of their conduct. They have done what no one else had done. Brutus pursued Tarquinius with war; who was a king when it was lawful for a king to exist in Rome. Spurius Cassius, Spurius Mælius, and Marcus Manlius were all slain because they were suspected of aiming at regal power. These are the first men who

[15] It has been explained before that Fulvia had been the widow of Clodius and of Curio, before she married Antonius.

have ever ventured to attack, sword in hand, a man who was not aiming at regal power, but actually reigning. And their action is not only of itself a glorious and godlike exploit, but it is also one put forth for our imitation; especially since by it they have acquired such glory as appears hardly to be bounded by heaven itself. For although in the very consciousness of a glorious action there is a certain reward, still I do not consider immortality of glory a thing to be despised by one who is himself mortal.

Recollect, then, O Marcus Antonius, that day on which you abolished the dictatorship. Set before you the joy of the Senate and people of Rome; compare it with this infamous market held by you and by your friends; and then you will understand how great is the difference between praise and profit. But in truth, just as some people, through some disease which has blunted the senses, have no conception of the niceness of food, so men who are lustful, avaricious, and criminal, have no taste for true glory. But if praise cannot allure you to act rightly, still cannot even fear turn you away from the most shameful actions? You are not afraid of the courts of justice. If it is because you are innocent, I praise you; if because you trust in your power of overbearing them by violence, are you ignorant of what that man has to fear, who on such an account as that does not fear the courts of justice?

But if you are not afraid of brave men and illustrious citizens, because they are prevented from attacking you by your armed retinue, still, believe me, your own fellows will not long endure you. And what a life is it, day and night to be fearing danger from one's own people! Unless, indeed, you have men who are bound to you by greater kindnesses than some of those men by whom he was slain were bound to Cæsar; or unless there are points in which you can be compared with him.

In that man were combined genius, method, memory, literature, prudence, deliberation, and industry. He had performed exploits in war which, though calamitous for the republic, were nevertheless mighty deeds. Having for many years aimed at being a king, he had with great labor, and much personal danger, accomplished what he intended. He had conciliated the ignorant multitude by presents, by monuments, by largesses of food, and by banquets; he had bound his own party to him by

rewards, his adversaries by the appearances of clemency. Why need I say much on such a subject? He had already brought a free city, partly by fear, partly by patience, into a habit of slavery.

With him I can, indeed, compare you as to your desire to reign; but in all other respects you are in no degree to be compared to him. But from the many evils which by him have been burned into the republic, there is still this good, that the Roman people has now learned how much to believe everyone, to whom to trust itself, and against whom to guard. Do you never think on these things? And do you not understand that it is enough for brave men to have learned how noble a thing it is as to the act, how grateful it is as to the benefit done, how glorious as to the fame acquired, to slay a tyrant? When men could not bear him, do you think they will bear you? Believe me, the time will come when men will race with one another to do this deed, and when no one will wait for the tardy arrival of an opportunity.

Consider, I beg you, Marcus Antonius, do some time or other consider the republic: think of the family of which you are born, not of the men with whom you are living. Be reconciled to the republic. However, do you decide on your conduct. As to mine, I myself will declare what that shall be. I defended the republic as a young man, I will not abandon it now that I am old. I scorned the sword of Catiline, I will not quail before yours. No, I will rather cheerfully expose my own person, if the liberty of the city can be restored by my death.

May the indignation of the Roman people at last bring forth what it has been so long laboring with. In truth, if twenty years ago in this very temple I asserted that death could not come prematurely upon a man of consular rank, with how much more truth must I now say the same of an old man? To me, indeed, O conscript fathers, death is now even desirable, after all the honors which I have gained, and the deeds which I have done. I only pray for these two things: one, that dying I may leave the Roman people free. No greater boon than this can be granted me by the immortal gods. The other, that everyone may meet with a fate suitable to his deserts and conduct toward the republic.

THE NINTH ORATION AGAINST MARCUS ANTONIUS

Called also the Ninth Philippic

THE ARGUMENT

Servius Sulpicius had died on his embassy to Marcus Antonius, before Mutina; and Pansa called the Senate together to deliberate on the honors to be paid to his memory. Pansa himself proposed a public funeral, a sepulchre, and a statue. Servilius opposed the statue, as due only to those who had been slain by violence while in the discharge of their duties as embassadors. Cicero delivered the following oration in support of Pansa's proposition, which was carried.

THE NINTH ORATION AGAINST MARCUS ANTONIUS

Called also the Ninth Philippic

I WISH, O conscript father, that the immortal gods had granted to us to return thanks to Servius Sulpicius while alive, rather than thus to devise honors for him now that he is dead. Nor have I any doubt, but that if that man had been able himself to give us his report of the proceedings of his embassy, his return would have been acceptable to you and salutary to the republic. Not that either Lucius Piso or Lucius Philippus have been deficient in either zeal or care in the performance of so important a duty and so grave a commission; but, as Servius Sulpicius was superior in age to them, and in wisdom to everyone, he, being suddenly taken from the business, left the whole embassy crippled and enfeebled.

But if deserved honors have been paid to any embassador after death, there is no one by whom they can be found to have been ever more fully deserved than by Servius Sulpicius. The rest of those men who have died while engaged on an embassy, have gone forth, subject indeed to the usual uncertainties of life, but without any especial danger or fear of death. Servius Sulpicius set out with some hope indeed of reaching Antonius, but with none of returning. But though he was so very ill that if any exertion were added to his bad state of health, he would have no hope of himself, still he did not refuse to try, even while at his last gasp, to be of some service to the republic. Therefore neither the severity of the winter, nor the snow, nor the length of the journey, nor the badness of the roads, nor his daily increasing illness, delayed him. And when he had arrived where he might meet and confer with the man to whom he had been sent, he departed this life in the midst

of his care and consideration as to how he might best discharge the duty which he had undertaken.

As therefore, O Caius Pansa, you have done well in other respects, so you have acted admirably in exhorting us this day to pay honor to Servius Sulpicius, and in yourself making an eloquent oration in his praise. And after the speech which we have heard from you, I should have been content to say nothing beyond barely giving my vote, if I did not think it necessary to reply to Publius Servilius, who has declared his opinion that this honor of a statue ought to be granted to no one who has not been actually slain with a sword while performing the duties of his embassy. But I, O conscript fathers, consider that this was the feeling of our ancestors, that they considered that it was the cause of death, and not the manner of it, which was a proper subject for inquiry. In fact, they thought fit that a monument should be erected to any man whose death was caused by an embassy, in order to tempt men in perilous wars to be the more bold in undertaking the office of an embassador. What we ought to do, therefore, is, not to scrutinize the precedents afforded by our ancestors, but to explain their intentions from which the precedents themselves arose.

Lar Tolumnius, the king of Veii, slew four ambassadors of the Roman people, at Fidenæ, whose statues were standing in the rostra till within my recollection. The honor was well deserved. For our ancestors gave those men who had encountered death in the cause of the republic an imperishable memory in exchange for this transitory life. We see in the rostra the statue of Cnæus Octavius, an illustrious and great man, the first man who brought the consulship into that family, which afterward abounded in illustrious men. There was no one then who envied him, because he was a new man; there was no one who did not honor his virtue. But yet the embassy of Octavius was one in which there was no suspicion of danger. For having been sent by the Senate to investigate the dispositions of kings and of free nations, and especially to forbid the grandson of king Antiochus, the one who had carried on war against our forefathers, to maintain fleets and to keep elephants, he was slain at Laodicea, in the gymnasium, by a man of the name of Leptines. On this a statue was given to him by our ancestors as a recompense for his life, which might ennoble his progeny

for many years, and which is now the only memorial left of so illustrious a family. But in his case, and in that of Tullus Cluvius,[1] and Lucius Roscius, and Spurius Antius, and Caius Fulcinius, who were slain by the king of Veii, it was not the blood that was shed at their death, but the death itself which was encountered in the service of the republic, which was the cause of their being thus honored.

Therefore, O conscript fathers, if it had been chance which had caused the death of Servius Sulpicius, I should sorrow indeed over such a loss to the republic, but I should consider him deserving of the honor, not of a monument, but of a public mourning. But, as it is, who is there who doubts that it was the embassy itself which caused his death? For he took death away with him; though, if he had remained among us, his own care, and the attention of his most excellent son and his most faithful wife, might have warded it off. But he, as he saw that, if he did not obey your authority, he should not be acting like himself; but that if he did obey, then that duty, undertaken for the welfare of the republic, would be the end of his life; preferred dying at a most critical period of the republic, to appearing to have done less service to the republic than he might have done.

He had an opportunity of recruiting his strength and taking care of himself in many cities through which his journey lay. He was met by the liberal invitation of many entertainers, as his dignity deserved, and the men too who were sent with him exhorted him to take rest, and to think of his own health. But he, refusing all delay, hastening on, eager to perform your commands, persevered in this his constant purpose, in spite of the hinderances of his illness. And as Antonius was above all things disturbed by his arrival, because the commands which were laid upon him by your orders had been drawn up by the authority and wisdom of Servius Sulpicius, he showed plainly how he hated the Senate by the evident joy which he displayed at the death of the adviser of the Senate.

Leptines then did not kill Octavius, nor did the king of Veii slay those whom I have just named, more clearly than Antonius killed Servius Sulpicius. Surely he brought the man death, who was the cause of his death. Wherefore, I think it of consequence, in order that posterity may recollect it, that there

[1] There is some corruption of the text here.

should be a record of what the judgment of the Senate was concerning this war. For the statue itself will be a witness that the war was so serious a one, that the death of an ambassador in it gained the honor of an imperishable memorial.

But if, O conscript fathers, you would only recollect the excuses alleged by Servius Sulpicius why he should not be appointed to this embassy, then no doubt will be left on your minds that we ought to repair by the honor paid to the dead the injury which we did to him while living. For it is you, O conscript fathers (it is a grave charge to make, but it must be uttered), it is you, I say, who have deprived Servius Sulpicius of life. For when you saw him pleading his illness as an excuse more by the truth of the fact than by any labored plea of words, you were not indeed cruel (for what can be more impossible for this order to be guilty of than that), but as you hoped that there was nothing that could not be accomplished by his authority and wisdom, you opposed his excuse with great earnestness, and compelled the man, who had always thought your decisions of the greatest weight, to abandon his own opinion. But when there was added the exhortation of Pansa, the consul, delivered with more weight than the ears of Servius Sulpicius had learned to resist, then at last he led me and his own son aside, and said that he was bound to prefer your authority to his own life. And we, admiring his virtue, did not dare to oppose his determination. His son was moved with extraordinary piety and affection, and my own grief did not fall far short of his agitation; but each of us was compelled to yield to his greatness of mind, and to the dignity of his language, when he, indeed, amid the loud praises and congratulations of you all, promised to do whatever you wished, and not to avoid the danger which might be incurred by the adoption of the opinion of which he himself had been the author. And we the next day escorted him early in the morning as he hastened forth to execute your commands. And he, in truth, when departing, spoke with me in such a manner that his language seeemed like an omen of his fate.

Restore then, O conscript fathers, life to him from whom you have taken it. For the life of the dead consists in the recollection cherished of them by the living. Take ye care that he, whom you without intending it sent to his death, shall from you receive immortality. And if you by your decree erect

a statue to him in the rostra, no forgetfulness of posterity will ever obscure the memory of his embassy. For the remainder of the life of Servius Sulpicius will be recommended to the eternal recollection of all men by many and splendid memorials. The praise of all mortals will forever celebrate his wisdom, his firmness, his loyalty, his admirable vigilance and prudence in upholding the interests of the public. Nor will that admirable, and incredible, and almost godlike skill of his in interpreting the laws and explaining the principles of equity be buried in silence. If all the men of all ages, who have ever had any acquaintance with the law in this city, were got together into one place, they would not deserve to be compared to Servius Sulpicius. Nor was he more skilful in explaining the law than in laying down the principles of justice. Those maxims which were derived from laws, and from the common law, he constantly referred to the original principles of kindness and equity. Nor was he more fond of arranging the conduct of lawsuits than of preventing disputes altogether. Therefore he is not in want of this memorial which a statue will provide; he has other and better ones. For this statue will be only a witness of his honorable death; those actions will be the memorial of his glorious life. So that this will be rather a monument of the gratitude of the Senate, than of the glory of the man.

The affection of the son, too, will appear to have great influence in moving us to honor the father; for although, being overwhelmed with grief, he is not present, still you ought to be animated with the same feelings as if he were present. But he is in such distress, that no father ever sorrowed more over the loss of an only son than he grieves for the death of his father. Indeed, I think that it concerns also the fame of Servius Sulpicius the son, that he should appear to have paid all due respect to his father. Although Servius Sulpicius could leave no nobler monument behind him than his son, the image of his own manners, and virtues, and wisdom, and piety, and genius; whose grief can either be alleviated by this honor paid to his father by you, or by no consolation at all.

But when I recollect the many conversations which in the days of our intimacy on earth I have had with Servius Sulpicius, it appears to me, that if there be any feeling in the dead, a brazen statue, and that too a pedestrian one, will be more acceptable to him than a gilt equestrian one, such as

was first erected to Lucius Sylla. For Servius was wonderfully attached to the moderation of our forefathers, and was accustomed to reprove the insolence of this age. As if, therefore, I were able to consult himself as to what he would wish, so I give my vote for a pedestrian statue of brass, as if I were speaking by his authority and inclination; which by the honor of the memorial will diminish and mitigate the great grief and regret of his fellow-citizens. And it is certain that this my opinion, O conscript fathers, will be approved of by the opinion of Publius Servilius, who has given his vote that a sepulchre be publicly decreed to Servius Sulpicius, but has voted against the statue. For if the death of an embassador happening without bloodshed and violence requires no honor, why does he vote for the honor of a public funeral, which is the greatest honor that can be paid to a dead man? If he grants that to Servius Sulpicius which was not given to Cnæus Octavius, why does he think that we ought not to give to the former what was given to the latter? Our ancestors, indeed, decreed statues to many men; public sepulchres to few. But statues perish by weather, by violence, by lapse of time; but the sanctity of the sepulchres is in the soil itself, which can neither be moved nor destroyed by any violence; and while other things are extinguished, so sepulchres became holier by age.

Let, then, that man be distinguished by that honor also, a man to whom no honor can be given which is not deserved. Let us be grateful in paying respect in death to him to whom we can now show no other gratitude. And by that same step let the audacity of Marcus Antonius, waging a nefarious war, be branded with infamy. For when these honors have been paid to Servius Sulpicius, the evidence of his embassy having been insulted and rejected by Antonious will remain for everlasting.

On which account I give my vote for a decree in this form: "As Servius Sulpicius Rufus, the son of Quintus, of the Lemonian tribe, at a most critical period of the republic, and being ill with a very serious and dangerous disease, preferred the authority of the Senate and the safety of the republic to his own life, and struggled against the violence and severity of his illness, in order to arrive at the camp of Antonius, to

which the Senate had sent him; and as he, when he had almost arrived at the camp, being overwhelmed by the violence of the disease, has lost his life in discharging a most important office of the republic; and as his death has been in strict correspondence to a life passed with the greatest integrity and honor, during which he, Servius Sulpicius, has often been of great service to the republic, both as a private individual and in the discharge of various magistracies; and as he, being such a man, has encountered death on behalf of the republic while employed on an embassy, the Senate decrees that a brazen pedestrian statue of Servius Sulpicius be erected in the rostra in compliance with the resolution of this order, and that his children and posterity shall have a place round this statue of five feet in every direction, from which to behold the games and gladiatorial combats, because he died in the cause of the republic; and that this reason be inscribed on the pedestal of the statue; and that Caius Pansa and Aulus Hirtius the consuls, one or both of them, if it seem good to them, shall command the quæstors of the city to let out a contract for making that pedestal and that statue, and erecting them in the rostra; and that whatever price they contract for, they shall take care the amount is given and paid to the contractor; and as in old times the Senate has exerted its authority with respect to the obsequies of, and honors paid to brave men, it now decrees that he shall be carried to the tomb on the day of his funeral with the greatest possible solemnity. And as Servius Sulpucius Rufus, the son of Quintus of the Lemonian tribe, has deserved so well of the republic as to be entitled to be complimented with all those distinctions; the Senate is of opinion, and thinks it for the advantage of the republic, that the consule ædile should suspend the edict which usually prevails with respect to funerals in the case of the funeral of Servius Sulpicius Rufus, the son of Quintus of the Lemonian tribe; and that Caius Pansa, the consul, shall assign him a place for a tomb in the Esquiline plain, or in whatever place shall seem good to him, extending thirty feet in every direction, where Servius Sulpicius may be buried; and that that shall be his tomb, and that of his children and posterity, as having been a tomb most deservedly given to them by the public authority."

THE LAST ORATION AGAINST MARCUS ANTONIUS

Called also the Fourteenth Philippic

THE ARGUMENT

Brutus gained great advantages in Macedonia over Caius Antonius, and took him prisoner. He treated him with great lenity, so much so as to displease Cicero, who remonstrated with him strongly on his design of setting him at liberty. He was also under some apprehension as to the steadiness of Plancus's loyalty to the Senate; but on his writing to that body to assure them of his obedience, Cicero procured a vote of some extraordinary honors to him.

Cassius also about the same time was very successful in Syria, of which he wrote Cicero a full account. Meantime reports were being spread in the city by the partisans of Antonius, of his success before Mutina; and even of his having gained over the consuls. Cicero too was personally much annoyed at a report which they spread of his having formed the design of making himself master of the city and assuming the title of dictator; but when Apuleius, one of his friends, and a tribune of the people, proceeded to make a speech to the people in Cicero's justification, the people all cried out that he had never done anything which was not for the advantage of the republic. About the same time news arrived of a victory gained over Antonius at Mutina.

Pansa was now on the point of joining Hirtius with four new legions, and Antonius endeavored to surprise him on the road before he could effect that junction. A severe battle ensued, in which Hirtius came to Pansa's aid, and Antonius was defeated with great loss. On the receipt of the news the populace assembled about Cicero's house, and carried him in triumph to the Capitol. The next day Marcus Cornutus, the prætor, summoned the Senate to deliberate on the letters received from the consuls and Octavius, giving an account of the victory. Servilius declared his opinion that the citizens should relinquish the sagurn, or robe of war; and that a supplication should be decreed in honor of the consuls and Octavius. Cicero rose next and delivered the following speech, objecting to the relinquishment of the robe of war, and blaming Servilius for not calling Antonius an enemy. The measures which he himself proposed were carried.

THE LAST ORATION AGAINST MARCUS ANTONIUS

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IF, O conscript fathers, while I learned from the letters which have been read that the army of our most wicked enemies had been defeated and routed, I had also learned what we all wish for above all things, and which we do suppose has resulted from that victory which has been achieved —namely, that Decimus Brutus had already quitted Mutina— then I should without any hesitation give my vote for our returning to our usual dress out of joy at the safety of that citizen on account of whose danger it was that we adopted the robe of war. But before any news of that event which the city looks for with the greatest eagerness arrives, we have sufficient reason indeed for joy at this most important and most illustrious battle; but reserve, I beg you, your return to your usual dress for the time of complete victory. But the completion of this war is the safety of Decimus Brutus.

But what is the meaning of this proposal that our dress shall be changed just for to-day, and that to-morrow we should again come forth in the garb of war? Rather when we have once turned to that dress which we wish and desire to assume, let us strive to retain it forever; for this is not only discreditable, but it is displeasing also to the immortal gods, to leave their altars, which we have approached in the attire of peace, for the purpose of assuming the garb of war. And I notice, O conscript fathers, that there are some who favor this proposal: whose intention and design is, as they see that that will be a most glorious day for Decimus Brutus on which we return to our usual dress out of joy for his safety, to deprive him of this great reward, so that it may not be

handed down to the recollection of posterity that the Roman people had recourse to the garb of war on account of the danger of one single citizen, and then returned to their gowns of peace on account of his safety. Take away this reason, and you will find no other for so absurd a proposal. But do you, O conscript fathers, preserve your authority, adhere to your own opinions, preserve in your recollection what you have often declared, that the whole result of this entire war depends on the life of one most brave and excellent man.

For the purpose of effecting the liberation of Decimus Brutus, the chief men of the state were sent as ambassadors, to give notice to that enemy and parricidal traitor to retire from Mutina; for the sake of preserving that same Decimus Brutus, Aulus Hirtius, the consul, went by lot to conduct the war; a man the weakness of whose bodily health was made up for by the strength of his courage, and encouraged by the hope of victory; Cæsar, too, after he, with an army levied by his own resources and on his own authority, had delivered the republic from the first dangers that assailed it, in order to prevent any subsequent wicked attempts from being originated, departed to assist in the deliverance of the same Brutus, and subdued some family vexation which he may have felt by his attachment to his country. What other object had Caius Pansa in holding the levies which he did, and in collecting money, and in carrying the most severe resolutions of the Senate against Antonius, and in exhorting us, and in inviting the Roman people to embrace the cause of liberty, except to insure the deliverance of Decimus Brutus? For the Roman people in crowds demanded at his hands the safety of Decimus Brutus with such unanimous outcries, that he was compelled to prefer it not only to any consideration of his own personal advantage, but even to his own necessities. And that end we now, O conscript fathers, are entitled to hope is either at the point of being achieved, or is actually gained; but it is right for the reward of our hopes to be reserved for the issue and event of the business, lest we should appear either to have anticipated the kindness of the gods by our over-precipitation, or to have despised the bounty of fortune through our own folly.

But since the manner of your behavior shows plainly enough

what you think of this matter, I will come to the letters which have arrived from the consuls and the proprætor, after I have said a few words relating to the letters themselves.

The swords, O conscript fathers, of our legions and armies have been stained with, or rather, I should say, dipped deep in blood in two battles which have taken place under the consuls, and a third, which has been fought under the command of Cæsar. If it was the blood of enemies, then great is the piety of the soldiers; but it is nefarious wickedness if it was the blood of citizens. How long, then, is that man, who has surpassed all enemies in wickedness, to be spared the name of enemy? unless you wish to see the very swords of our soldiers trembling in their hands while they doubt whether they are piercing a citizen or an enemy. You vote a supplication; you do not call Antonius an enemy. Very pleasing indeed to the immortal gods will our thanksgivings be, very pleasing to the victims, after a multitude of our citizens has been slain! "For the victory," says the proposer of the supplication, "over wicked and audacious men." For that is what this most illustrious man calls them; expressions of blame suited to lawsuits carried on in the city, not denunciations of searing infamy such as deserved by internecine war. I suppose they are forging wills, or trespassing on their neighbors, or cheating some young men; for it is men implicated in these and similar practices that we are in the habit of terming wicked and audacious. One man, the foulest of all banditti, is waging an irreconcilable war against four consuls. He is at the same time carrying on war against the Senate and people of Rome. He is (although he is himself hastening to destruction, through the disasters which he has met with) threatening all of us with destruction, and devastation, and torments, and tortures. He declares that that inhuman and savage act of Dolabella's, which no nation of barbarians would have owned, was done by his advice; and what he himself would do in this city, if this very Jupiter, who now looks down upon us assembled in his temple, had not repelled him from this temple and from these walls, he showed, in the miseries of those inhabitants of Parma, whom, virtuous and honorable men as they were, and most intimately connected with the authority of this order, and with the dignity of the Roman people, that villain and

monster, Lucius Antonius, that object of the extraordinary detestation of all men, and (if the gods hate those whom they ought) of all the gods also, murdered with every circumstance of cruelty. My mind shudders at the recollection, O conscript fathers, and shrinks from relating the cruelties which Lucius Antonius perpetrated on the children and wives of the citizens of Parma. Whatever disgrace the Antonii voluntarily underwent that they strove to lay upon others against their will. But it is a miserable violence which they offered to them; most unholy lust, such as the whole life of the Antonii is polluted with.

Is there then anyone who is afraid to call those men enemies, whose wickedness he admits to have surpassed even the inhumanity of the Carthaginians? For in what city, when taken by storm, did Hannibal even behave with such ferocity as Antonius did in Parma, which he filched by surprise? Unless, mayhap, Antonius is not to be considered the enemy of this colony, and of the others toward which he is animated with the same feelings. But if he is beyond all question the enemy of the colonies and municipal towns, then what do you consider him with respect to this city which he is so eager for, to satiate the indigence of his band of robbers? which that skilful and experienced surveyor of his, Saxa, has already marked out with his rule. Recollect, I entreat you, in the name of the immortal gods, O conscript fathers, what we have been fearing for the last two days, in consequence of infamous rumors carefully disseminated by enemies within the walls. Who has been able to look upon his children or upon his wife without weeping? who has been able to bear the sight of his home, of his house, and his household gods? Already all of us were expecting a most ignominious death, or meditating a miserable flight. And shall we hesitate to call the men at whose hands we feared all these things enemies? If anyone should propose a more severe designation I will willingly agree to it; I am hardly content with this ordinary one, and will certainly not employ a more moderate one.

Therefore, as we are bound to vote, and as Servilius has already proposed a most just supplication for those letters which have been read to you; I will propose altogether to increase the number of the days which it is to last, especially as it is

to be decreed in honor of three generals conjointly. But first of all I will insist on styling those men imperator by whose valor, and wisdom, and good fortune we have been released from the most imminent danger of slavery and death. Indeed, who is there within the last twenty years who has had a supplication decreed to him without being himself styled imperator, though he may have performed the most insignificant exploits, or even almost none at all? Wherefore, the senator who spoke before me ought either not to have moved for a supplication at all, or he ought to have paid the usual and established compliment to those men to whom even new and extraordinary honors are justly due.

Shall the Senate, according to this custom which has now obtained, style a man imperator if he has slain a thousand or two of Spaniards, or Gauls, or Thracians; and now that so many legions have been routed, now that such a multitude of enemies has been slain—ay, enemies, I say, although our enemies within the city do not fancy this expression—shall we pay to our most illustrious generals the honor of a supplication, and refuse them the name of imperator? For with what great honor, and joy, and exultation ought the deliverers of this city themselves to enter into this temple, when yesterday, on account of the exploits which they have performed, the Roman people carried me in an ovation, almost in a triumph from my house to the Capitol, and back again from the Capitol to my own house? That is indeed in my opinion a just and genuine triumph, when men who have deserved well of the republic receive public testimony to their merits from the unanimous consent of the Senate. For if, at a time of general rejoicing on the part of the Roman people, they addressed their congratulations to one individual, that is a great proof of their opinion of him; if they gave him thanks, that is a greater still; if they did both, then nothing more honorable to him can be possibly imagined.

Are you saying all this of yourself? someone will ask. It is indeed against my will that I do so; but my indignation at injustice makes me boastful, contrary to my usual habit. Is it not sufficient that thanks should not be given to men who have well earned them, by men who are ignorant of the very

nature of virtue? And shall accusations and odium be attempted to be excited against those men who devote all their thoughts to insuring the safety of the republic? For you well know that there has been a common report for the last few days that the day before the wine feast,[1] that is to say, on this very day, I was intending to come forth with the fasces as dictator. One would think that this story was invented against some gladiator, or robber, or Catiline, and not against a man who had prevented any such step from ever being taken in the republic. Was I, who defeated and overthrew and crushed Catiline, when he was attempting such wickedness, a likely man myself all on a sudden to turn out Catiline? Under what auspices could I, an augur, take those fasces? How long should I have been likely to keep them? to whom was I to deliver them as my successor? The idea of anyone having been so wicked as to invent such a tale! or so mad as to believe it! In what could such a suspicion, or rather such gossip, have originated?

When, as you know, during the last three or four days a report of bad news from Mutina has been creeping abroad, the disloyal part of the citizens, inflated with exultation and insolence, began to collect in one place, at that senate-house which has been more fatal to their party than to the republic. There, while they were forming a plan to massacre us, and were distributing the different duties among one another, and settling who was to seize on the Capitol, who on the rostra, who on the gates of the city, they thought that all the citizens would flock to me. And in order to bring me into unpopularity, and even into danger of my life, they spread abroad this report about the fasces. They themselves had some idea of bringing the fasces to my house; and then, on pretence of that having been done by my wish, they had prepared a band of hired ruffians to make an attack on me as on a tyrant, and a massacre of all of you was intended to follow. The fact is already notorious, O conscript fathers, but the origin of all this wickedness will be revealed in its fitting time.

Therefore Publius Apuleius, a tribute of the people, who

[1] There were two wine feasts, Vinalia, at Rome: the vinalia urbana, celebrated on the twenty-third of April; and the vinalia rustica, on the nineteenth of October. This was the urbana vinalia; on which occasion the wine-casks which had been filled in the autumn were tasted for the first time.

ever since my consulship has been the witness and partaker of, and my assistant in all my designs and all my dangers, could not endure the grief of witnessing my indignation. He convened a numerous assembly, as the whole Roman people were animated with one feeling on the subject. And when in the harangue which he then made, he, as was natural from our great intimacy and friendship, was going to exculpate me from all suspicion in the matter of the fasces, the whole assembly cried out with one voice, that I had never had any intentions with regard to the republic which were not excellent. After this assembly was over within two or three hours, these most welcome messengers and letters arrived; so that the same day not only delivered me from a most unjust odium, but increased my credit by that most extraordinary act with which the Roman people distinguished me.

I have made this digression, O conscript fathers, not so much for the sake of speaking of myself (for I should be in a sorry plight if I were not sufficiently acquitted in your eyes without the necessity of making a formal defence), as with the view of warning some men of too grovelling and narrow minds, to adopt the line of conduct which I myself have always pursued, and to think the virtue of excellent citizens worthy of imitation, not of envy. There is a great field in the republic, as Crassus used very wisely to say; the road to glory is open to many.

Would that those great men were still alive, who, after my consulship, when I myself was willing to yield to them, were themselves desirous to see me in the post of leader. But at the present moment, when there is such a dearth of wise and fearless men of consular rank, how great do you not suppose must be my grief and indignation, when I see some men absolutely disaffected to the republic, others wholly indifferent to everything, others incapable of persevering with any firmness in the cause which they have espoused; and regulating their opinions not always by the advantage of the republic, but sometimes by hope, and sometimes by fear. But if anyone is anxious and inclined to struggle for the leadership—though struggle there ought to be none—he acts very foolishly, if he proposes to combat virtue with vices. For as speed is only outstripped by speed, so among brave

men virtue is only surpassed by virtue. Will you, if I am full of excellent sentiments with respect to the republic, adopt the worse possible sentiments yourself for the purpose of excelling me? Or if you see a race taking place for the acquisition of honors, will you summon all the wicked men you can find to your banner? I should be sorry for you to do so; first of all, for the sake of the republic, and secondly, for that of your own dignity. But if the leadership of the state were at stake, which I have never coveted, what could be more desirable for me than such conduct on your part? For it is impossible that I should be defeated by wicked sentiments and measures—by good ones perhaps I might be, and I willingly would be.

Some people are vexed that the Roman people should see, and take notice of, and form their opinion on these matters. Was it possible for men not to form their opinion of each individual as he deserved? For as the Roman people form a most correct judgment of the entire Senate, thinking that at no period in the history of the republic was this order ever more firm or more courageous; so also they all inquire diligently concerning every individual among us; and especially in the case of those among us who deliver our sentiments at length in this place, they are anxious to know what those sentiments are; and in that way they judge of each one of us, as they think that he deserves. They recollect that on the nineteenth of December I was the main cause of recovering our fredom; that from the first of January to this hour I have never ceased watching over the republic; that day and night my house and my ears have been open to the instruction and admonition of everyone; that it has been by my letters, and my messengers, and my exhortations, that all men in every part of the empire have been roused to the protection of our country; that it is owing to the open declaration of my opinion ever since the first of January that no ambassadors have been ever sent to Antonius; that I have always called him a public enemy, and this a war; so that I, who on every occasion have been the adviser of genuine peace, have been a determined enemy to this pretence of fatal peace.

Have not I also at all times pronounced Ventidius an enemy, when others wished to call him a tribune of the peo-

ple? If the consuls had chosen to divide the Senate on my opinion, their arms would long since have been wrested from the hands of all those robbers by the positive authority of the Senate.

But what could not be done then, O conscript fathers, at present not only can be, but even must be done. I mean, those men who are in reality enemies must be branded in plain language, must be declared enemies by our formal resolution. Formerly, when I used the words "war" or "enemy," men more than once objected to record my proposition among the other propositions. But that cannot be done on the present occasion. For in consequence of the letters of Caius Pansa and Aulus Hirtius, the consuls, and of Caius Cæsar, proprætor, we have all voted that honors be paid to the immortal gods. The very man who lately proposed and carried a vote for a supplication, without intending it pronounced those men enemies; for a supplication has never been decreed for success in civil war. Decreed, do I say? It has never even been asked for in the letters of the conqueror. Sylla as consul carried on a civil war; he led his legions into the city and expelled whomsoever he chose; he slew those whom he had in his power: there was no mention made of any supplication. The violent war with Octavius followed. Cinna the conqueror had no supplication voted to him. Sylla as imperator revenged the victory of Cinna, still no supplication was decreed by the Senate. I ask you yourself, O Publius Servilius, did your colleague send you any letters concerning that most lamentable battle of Pharsalia? Did he wish you to make any motion about a supplication? Certainly not. But he did afterward when he took Alexandria; when he defeated Pharnaces; but for the battle of Pharsalia he did not even celebrate a triumph. For that battle had destroyed those citizens whose, I will not say lives, but even whose victory might have been quite compatible with the safety and prosperity of the state. And the same thing had happened in the previous civil wars. For though a supplication was decreed in my honor when I was consul, though no arms had been had recourse to at all, still that was voted by a new and wholly unprecedented kind of decree, not for the slaughter of enemies, but for the preservation of the citizens. Wherefore a suppli-

cation on account of the affairs of the republic having been successfully conducted must, O conscript fathers, be refused by you even though your generals demand it; a stigma which has never been affixed on anyone except Gabinius; or else, by the mere fact of decreeing a supplication, it is quite inevitable that you must pronounce those men, for whose defeat you do decree it, enemies of the state.

What then Servilius did in effect, I do in express terms, when I style those men imperators. By using this name, I pronounce those who have been already defeated, and those who still remain, enemies in calling their conquerors imperators. For what title can I more suitably bestow on Pansa? Though he has, indeed, the title of the highest honor in the republic. What, too, shall I call Hirtius? He, indeed, is consul; but this latter title is indicative of the kindness of the Roman people; the other of valor and victory. What? Shall I hesitate to call Cæsar imperator, a man born for the republic by the express kindness of the gods? He who was the first man who turned aside the savage and disgraceful cruelty of Antonius, not only from our throats, but from our limbs and bowels? What numerous and what important virtues, O ye immortal gods, were displayed on that single day. For Pansa was the leader of all in engaging in battle and in combating with Antonius; O general worthy of the Martial legion, legion worthy of its general! Indeed, if he had been able to restrain its irresistible impetuosity, the whole war would have been terminated by that one battle. But as the legion, eager for liberty, had rushed with too much precipitation against the enemy's line of battle, and as Pansa himself was fighting in the front ranks, he received two dangerous wounds, and was borne out of the battle, to preserve his life for the republic. But I pronounce him not only imperator, but a most illustrious imperator; who, as he had pledged himself to discharge his duty to the republic either by death or by victory, has fulfilled one-half of his promise; may the immortal gods prevent the fulfilment of the other half!

Why need I speak of Hirtius? who, the moment he heard of what was going on, with incredible promptness and courage led forth two legions out of the camp; that noble fourth legion, which, having deserted Antonius, formerly united

itself to the Martial legion; and the seventh, which, consisting wholly of veterans, gave proof in that battle that the name of the Senate and people of Rome was dear to those soldiers who preserved the recollection of the kindness of Cæsar. With these twenty cohorts, with no cavalry, while Hirtius himself was bearing the eagle of the fourth legion—and we never heard of a more noble office being assumed by any general—he fought with the three legions of Antonius and with his cavalry, and overthrew, and routed, and put to the sword those impious men who were the real enemies to this temple of the all-good and all-powerful Jupiter, and to the rest of the temples of the immortal gods, and the houses of the city, and the freedom of the Roman people, and our lives and actual existence; so that that chief and leader of robbers fled away with a very few followers, concealed by the darkness of night, and frightened out of all his senses.

Oh, what a most blessed day was that, which, while the carcasses of those parricidal traitors were strewed about everywhere, beheld Antonius flying with a few followers, before he reached his place of concealment.

But will anyone hesitate to call Cæsar imperator? Most certainly his age will not deter anyone from agreeing to this proposition, since he has gone beyond his age in virtue. And to me, indeed, the services of Caius Cæsar have always appeared the more thankworthy, in proportion as they were less to have been expected from a man of his age. For when we conferred military command on him, we were in fact encouraging the hope with which his name inspired us; and now that he has fulfilled those hopes, he has sanctioned the authority of our decree by his exploits. This young man of great mind, as Hirtius most truly calls him in his letters, with a few cohorts defended the camp of many legions, and fought a successful battle. And in this manner the republic has on one day been preserved in many places by the valor, and wisdom, and good fortune of three imperators of the Roman people.

I therefore propose supplications of fifty days in the joint names of the three. The reasons I will embrace in the words of the resolution, using the most honorable language that I can devise.

But it becomes our good faith and our piety to show plainly to our most gallant soldiers how mindful of their services and how grateful for them we are; and accordingly I give my vote that our promises, and those pledges too which we promised to bestow on the legions when the war was finished, be repeated in the resolution which we are going to pass this day. For it is quite fair that the honor of the soldiers, especially of such soldiers as those, should be united with that of their commanders. And I wish, O conscript fathers, that it was lawful for us to dispense rewards to all the citizens; although we will give those which we have promised with the most careful usury. But that remains, as I well hope, to the conquerors, to whom the faith of the Senate is pledged; and, as they have adhered to it at a most critical period of the republic, we are bound to take care that they never have cause to repent of their conduct. But it is easy for us to deal fairly by those men whose very services, though mute, appear to demand our liberality. This is a much more praiseworthy and more important duty, to pay a proper tribute of grateful recollection to the valor of those men who have shed their blood in the cause of their country. And I wish more suggestions could occur to me in the way of doing honor to those men. The two ideas which principally do occur to me, I will at all events not pass over; the one of which has reference to the everlasting glory of those bravest of men; the other may tend to mitigate the sorrow and mourning of their relations.

I therefore give my vote, O conscript fathers, that the most honorable monument possible be erected to the soldiers of the Martial legion, and to those soldiers also who died fighting by their side. Great and incredible are the services done by this legion to the republic. This was the first legion to tear itself from the piratical band of Antonius; this was the legion which encamped at Alba; this was the legion that went over to Cæsar; and it was in imitation of the conduct of this legion that the fourth legion has earned almost equal glory for its virtue. The fourth is victorious without having lost a man; some of the Martial legion fell in the very moment of victory. O happy death, which, due to nature, has been paid in the cause of one's country! But I con-

sider you men born for your country; you whose very name is derived from Mars, so that the same god who begot this city for the advantage of the nations, appears to have begotten you for the advantage of this city. Death in flight is infamous; in victory glorious. In truth, Mars himself seems to select all the bravest men from the battle array. Those impious men whom you slew, shall even in the shades below pay the penalty of their parricidal treason. But you, who have poured forth your latest breath in victory, have earned an abode and place among the pious. A brief life has been allotted to us by nature; but the memory of a well-spent life is imperishable. And if that memory were no longer than this life, who would be so senseless as to strive to attain even the highest praise and glory by the most enormous labors and dangers?

You then have fared most admirably, being the bravest of soldiers while you lived, and now the most holy of warriors, because it will be impossible for your virtue to be buried, either through the forgetfulness of the men of the present age, or the silence of posterity, since the Senate and Roman people will have raised to you an imperishable monument, I may almost say with their own hands. Many armies at various times have been great and illustrious in the Punic, and Gallic, and Italians wars; but to none of them have honors been paid of the description which are now conferred on you. And I wish that we could pay you even greater honors, since we have received from you the greatest possible services. You it was who turned aside the furious Antonius from this city; you it was who repelled him when endeavoring to return. There shall therefore be a vast monument erected with the most sumptuous work, and an inscription engraved upon it, as the everlasting witness of your godlike virtue. And never shall the most grateful language of all who either see or hear of your monument cease to be heard. And in this manner you, in exchange for your mortal condition of life, have attained immortality.

But since, O conscript fathers, the gift of glory is conferred on these most excellent and gallant citizens by the honor of a monument, let us comfort their relations, to whom this indeed is the best consolation. The greatest comfort for their

parents is the reflection that they have produced sons who have been such bulwarks of the republic; for their children, that they will have such examples of virtue in their family; for their wives, that the husbands whom they have lost are men whom it is a credit to praise, and to have a right to mourn for; and for their brothers, that they may trust that, as they resemble them in their persons, so they do also in their virtues.

Would that we were able by the expression of our sentiments and by our votes to wipe away the tears of all these persons; or that any such oration as this could be publicly addressed to them, to cause them to lay aside their grief and mourning, and to rejoice rather, that, while many various kinds of death impend over men, the most honorable kind of all has fallen to the lot of their friends; and that they are not unburied, nor deserted; though even that fate, when incurred for one's country, is not accounted miserable; nor burned with equable obsequies in scattered graves, but entombed in honorable sepulchres, and honored with public offerings; and with a building which will be an altar of their valor to insure the recollection of eternal ages.

Wherefore it will be the greatest possible comfort to their relations, that by the same monument are clearly displayed the valor of their kinsmen, and also their piety, and the good faith of the Senate, and the memory of this most inhuman war, in which, if the valor of the soldiers had been less conspicuous, the very name of the Roman people would have perished by the parricidal treason of Marcus Antonius. And I think also, O conscript fathers, that those rewards which we promised to bestow on the soldiers when we had recovered the republic, we should give with abundant usury to those who are alive and victorious when the time comes; and that in the case of the men to whom those rewards were promised, but who have died in the defence of their country, I think those same rewards should be given to their parents or children, or wives or brothers.

But that I may reduce my sentiments into a formal motion, I give my vote that,

"As Caius Pansa, consul, imperator, set the example of fighting with the enemy in a battle in which the Martial legion defended the freedom of the Roman people with admira-

ble and incredible valor, and the legions of the recruits behaved equally well; and as Caius Pansa, consul, imperator, while engaged in the middle of the ranks of the enemy received wounds; and as Aulus Hirtius, consul, imperator, the moment that he heard of the battle, and knew what was going on, with a most gallant and loyal soul, led his army out of his camp and attacked Marcus Antonius and his army, and put his troops to the sword, with so little injury to his own army that he did not lose one single man; and as Caius Cæsar, proprætor, imperator, with great prudence and energy defended the camp successfully, and routed and put to the sword the forces of the enemy which had come near the camp:

"On these accounts the Senate thinks and declares that the Roman people has been released from the most disgraceful and cruel slavery by the valor, and military skill, and prudence, and firmness, and perseverance, and greatness of mind and good fortune of these their generals. And decrees that, as they have preserved the republic, the city, the temples of the immortal gods, the property and fortunes and families of all the citizens, by their own exertions in battle, and at the risk of their own lives; on account of these virtuous and gallant and successful achievements, Caius Pansa and Aulus Hirtius, the consuls, imperators, one or both of them, or, in their absence, Marcus Cornutus, the city prætor, shall appoint a supplication at all the altars for fifty days. And as the valor of the legions has shown itself worthy of their most illustrious generals, the Senate will with great eagerness, now that the republic is recovered, bestow on our legions and armies all the rewards which it formerly promised them. And as the Martial legion was the first to engage with the enemy, and fought in such a manner against superior numbers as to slay many and take some prisoners; and as they shed their blood for their country without any shrinking; and as the soldiers of the other legions encountered death with similar valor in defence of the safety and freedom of the Roman people; the Senate does decree that Caius Pansa and Aulus Hirtius, the consuls, imperators, one or both of them if it seems good to them, shall see to the issuing of a contract for, and to the erecting, the most honorable possible monument to those men who shed their blood for the lives and liberties and fortunes

of the Roman people, and for the city and temples of the immortal gods; that for that purpose they shall order the city quæstors to furnish and pay money, in order that it may be a witness for the everlasting recollection of posterity of the wickedness of our most cruel enemies, and the godlike valor of our soldiers. And that the rewards which the Senate previously appointed for the soldiers, be paid to the parents or children, or wives or brothers of those men who in this war have fallen in defence of their country; and that all honors be bestowed on them which should have been bestowed on the soldiers themselves, if those men had lived who gained the victory by their death."

THE PROSECUTION OF VERRES

The Fourth Book of the Second Pleading

THE ARGUMENT

The subject of this oration is the manner in which Verres had plundered not only private individuals, but even some temples, of valuable statues, and other works of art. Among the instances given some of the most prominent are the plunder of Heius, a Messanian; of Philarchus, or Centuripa; of several other private citizens; of Antiochus, the king; and of the temples of Diana, Mercury, and Ceres. A French translator in commenting on this oration says, with reference to the slighting way in which Cicero speaks of the works of art thus stolen: "The Romans struggled for some time against the seductive power of the arts of Greece, to which for many ages they were strangers. At first they really did despise them; afterwards they affected to despise them; but at last they were forced to bow the head beneath the brilliant yoke of luxury; and Greece, industrious, learned, and polite, subdued by the admiration which it extorted, the ignorant, unlettered, and rude barbarians who had conquered her by force. Faithful to the ancient maxims of the republic, Cicero in this oration speaks only with a sort of disdain of the arts and works of the most famous artists. He even pretends sometimes not to be too well acquainted with the names of the most celebrated statuaries; he often repeats, and with a kind of affectation, that he knows very little of painting or sculpture; and rather prides himself, as one may say, on his ignorance. He seems to regard a taste for art as unworthy of the Romans, and the finest *chefs d'œuvre* as children's toys, fit to amuse the trifling and frivolous minds of the Greeks, whose name he usually expresses by a contemptuous diminutive (Græculi), but little calculated to fix the attention, or attract the esteem or wishes of a Roman mind. In general there runs through these orations a tone more calculated to render Verres ridiculous than to make one feel how much there was in all his attempts which was odious and horrible. The orator even permitted himself some pleasantries, for which his taste has been, perhaps too severely, called in question. Cicero had no dislike to puns, and has played a good deal on the name of Verres, which means a boar. He was too eager to acquire the reputation of a wit. It is true that the person of Verres was sufficiently inviting as a subject for ridicule. He was one of those gross men overloaded with fat, in whom the bulk of body appears to stifle all delicacy of moral feeling. As he had tried to carry off a statue of Hercules which his people could with difficulty move upon its pedestal, Cicero calls this the thirteenth of the labors of Hercules. And playing continually on the name

of Verres, he compares him to the boar of Erymanthus. At another time he calls him the drag-net of Sicily, because the name Verres has some resemblance to the word *everriuclum*, which signifies a drag-net."

Hortensius endeavored to defend Verres from the charge of having stolen these statues, etc., of which he admits that he had become the possessor, by contending that he had bought them. But it was contrary to the laws for a magistrate to purchase any such articles in his province; and Cicero shows also that the prices alleged to have been given are so wholly disproportionate to their value that it is ridiculous to assert that the things had been purchased and not taken by force.

THE PROSECUTION OF VERRES

The Fourth Book of the Second Pleading

I COME now to what Verres himself calls his passion; what his friends call his disease, his madness; what the Sicilians call his rapine; what I am to call it, I know not. I will state the whole affair to you, and do you consider it according to its own importance and not by the importance of its name. First of all, O judges, suffer me to make you acquainted with the description of this conduct of his; and then, perhaps, you will not be very much puzzled to know by what name to call it. I say that in all Sicily, in all that wealthy and ancient province, that in that number of town and families of such exceeding riches, there was no silver vessel, no Corinthian or Delian plate, no jewel or pearl, nothing made of gold or ivory, no statue of marble or brass or ivory, no picture whether painted or embroidered, that he did not seek out, that he did not inspect, that, if he liked it, he did not take away. I seem to be making a very extensive charge; listen now to the manner in which I make it. For I am not embracing everything in one charge for the sake of making an impression, or of exaggerating his guilt. When I say that he left nothing whatever of the sort in the whole province, know that I am speaking according to the strict meaning of the words, and not in the spirit of an accuser. I will speak even more plainly; I will say that he has left nothing in anyone's house, nothing even in the towns, nothing in public places, not even in the temples, nothing in the possession of any Sicilian, nothing in the possession of any Roman citizen; that he has left nothing, in short, which either came before his eyes or was suggested to his mind, whether private property or public, or profane or sacred, in all Sicily.

Where then shall I begin rather than with that city which was above all others in your affection, and which was your chosen

place of enjoyment? or with what class of men rather than with your flatterers? For by that means it will be the more easily seen how you behaved among those men who hate you, who accuse you, who will not let you rest, when you are proved to have plundered among the Mamertines, who are your friends, in the most infamous manner.

Caius Heius is a Mamertine—all men will easily grant me this who have ever been to Messana; the most accomplished man in every point of view in all that city. His house is the very best in all Messana—most thoroughly known, most constantly open, most especially hospitable to all our fellow-citizens. That house before the arrival of Verres was so splendidly adorned, as to be an ornament even to the city. For Messana itself, which is admirable on account of its situation, its fortifications, and its harbor, is very empty and bare of those things in which Verres delights. There was in the house of Heius a private chapel of great sacredness, handed down to him from his ancestors, very ancient; in which he had four very beautiful statues, made with the greatest skill, and of very high character; calculated not only to delight Verres, that clever and accomplished man, but even any one of us whom he calls the mob: one, a statue of Cupid, in marble, a work of Praxiteles; for in truth, while I have been inquiring into that man's conduct, I have learned the names of the workmen; it was the same workman, as I imagine, who made that celebrated Cupid of the same figure as this which is at Thespiæ, on account of which people go to see Thespiæ, for there is no other reason for going to see it; and therefore that great man Lucius Mummius, when he carried away from that town the statues of the Muses which are now before the temple of Good Fortune, and the other statues which were not consecrated, did not touch this marble Cupid, because it had been consecrated.

But to return to that private chapel; there was this statue, which I am speaking of, of Cupid, made of marble. On the other side there was a Hercules, beautifully made of brass; that was said to be the work of Myron, as I believe, and it undoubtedly was so. Also before those gods there were little altars, which might indicate to anyone the holiness of the chapel. There were besides two brazen statues, of no very great size, but of marvellous beauty, in the dress and robes of virgins, which with uplifted hands were supporting some sacred vessels which were

placed on their heads, after the fashion of the Athenian virgins. They were called the Canephorœ, but their maker was—(who? who was he? thank you, you are quite right), they called him Polycletus. Whenever any one of our citizens went to Messana, he used to go and see these statues. They were open every day for people to go to see them. The house was not more an ornament to its master, than it was to the city.

Caius Claudius, whose ædileship we know to have been a most splendid affair, used this statue of Cupid, as long as he kept the forum decorated in honor of the immortal gods and the Roman people. And as he was connected by ties of hispitality with the Heii, and was the patron of the Mamertine people—as he availed himself of their kindness to lend him this, so he was careful to restore it. There have lately been noble men of the same kind, O judges—why do I say lately? Ay, we have seen some very lately, a very little while ago indeed, who have adorned the forum and the public buildings, not with the spoils of the provinces, but with ornaments belonging to their friends—with splendid things lent by their own connections, not with the produce of the thefts of guilty men—and who afterward have restored the statues and decorations, each to its proper owner; men who have not taken things away out of the cities of our allies for the sake of a four-day festival, under pretence of the shows to be exhibited in their ædileship, and after that carried them off to their own homes, and their own villas. All these statues which I have mentioned, O judges, Verres took away from Heius, out of his private chapel. He left, I say, not one of those things, nor anything else, except one old wooden figure, Good Fortune, as I believe; that, forsooth, he did not choose to have in his house!

Oh, for the good faith of gods and men! What is the meaning of all this? What a cause is this! What impudence is this! The statues which I am speaking of, before they were taken away by you, no commander ever came to Messana without seeing. So many prætors, so many consuls as there have been in Sicily, in time of peace, and in time of war; so many men of every sort as there have been—I do not speak of upright, innocent, conscientious men, but so many covetous, so many audacious, so many infamous men as there have been, not one of them all was violent enough, or seemed to himself powerful enough or

noble enough, to venture to ask for, or to take away, or even to touch anything in that chapel. Shall Verres take away everything which is most beautiful everywhere? Shall it not be allowed to anyone besides to have anything? Shall that one house of his contain so many wealthy houses? Was it for this reason that none of his predecessors ever touched these things, that he might be able to carry them off? Was this the reason why Caius Claudius Pulcher restored them, that Caius Verres might be able to steal them? But that Cupid had no wish for the house of a pimp and the establishment of a harlot; he was quite content to stay in that chapel where he was hereditary; he knew that he had been left to Heius by his ancestors, with the rest of the sacred things which he inherited; he did not require the heir of a prostitute. But why am I borne on so impetuously? I shall in a moment be refuted by one word. "I bought it," says he. O ye immortal gods, what a splendid defence! we sent a broker into the province with military command and with the forces, to buy up all the statues, all the paintings, all the silver plate and gold plate, and ivory, and jewels, and to leave nothing to anybody. For this defence seems to me to be got ready for everything; that he bought them. In the first place, if I should grant to you that which you wish, namely, that you bought them, since against all this class of accusations you are going to use this defence alone, I ask what sort of tribunals you thought that there would be at Rome, if you thought that anyone would grant you this, that you in your prætorship and in your command bought up so many and such valuable things—everything, in short, which was of any value in the whole province.

Remark the care of our ancestors, who as yet suspected no such conduct as this, but yet provided against the things which might happen in affairs of small importance. They thought that no one who had gone as governor[1] or as lieutenant into a

[1] The Latin word in each case is potestas. "According to Paulus, potestas, as applied to a magistrate, is equivalent to imperium. . . . But potestas is applied to magistrates who had not the imperium, as, for instance, to quæstors and tribunes of the people; and potestas and imperium are often opposed in Cicero. Thus it seems that potestas, like many other Roman terms, had both a wider signification and a narrower one; in its wider signification it might mean all the power that was delegated to any person by the state, whatever might be the extent of that power; in its narrower signification, it was on the one hand equivalent to imperium, and on the other it expressed the power of those functionaries who had not the imperium."—Smith, Dictionary of Antiquities, p. 721, v. Potestas.

province would be so insane as to buy silver, for that was given him out of the public funds; or raiment, for that was afforded him by the laws; they thought he might buy a slave, a thing which we all use, and which is not provided by the laws. They made a law, therefore, " that no one should buy a slave except in the room of a slave who was dead." If any slave had died at Rome? No, if anyone had died in the place where his master was. For they did not mean you to furnish your house in the province, but to be of use to the province in its necessities. What was the reason why they so carefully kept us from making purchases in the provinces? This was it, O judges, because they thought it a robbery, not a purchase, when the seller was not allowed to sell on his own terms. And they were aware that in the provinces, if he who was there with the command and power of a governor wished to purchase what was in anyone's possession, and was allowed to do so, it would come to pass that he would get whatever he chose, whether it was to be sold or not, at whatever price he pleased. Someone will say, " Do not deal with Verres in that manner; do not try and examine his actions by the standard of old-fashioned conscientiousness; allow him to have bought them without being punished for it, provided he bought them in a fair way, not through any arbitrary exercise of power, nor from anyone against his will, or by violence." I will so deal with him. If Heius had anything for sale, if he sold it for the price at which he valued it, I give up inquiring why you bought it.

What then are we to do? Are we to use arguments in a case of this sort? We must ask, I suppose, whether Heius was in debt, whether he had an auction; if he had, whether he was in such difficulties about money matters, whether he was oppressed by such want, by such necessity, as to strip his private chapel, to sell his paternal gods. But I see that the man had no auction; that he never sold anything except the produce of his land; that he not only had no debts, but that he had always abundance of ready money. Even if all these things were contrary to what I say they were, still I say that he would not have sold things which had been so many years in the household and chapel of his ancestors. " What will you say if he was persuaded by the greatness of the sum given him for them? " It is not probable that a man, rich as he was, honorable as he was, should have

preferred money to his own religious feelings and to the memorials of his ancestors. "That may be, yet men are sometimes led away from their habits and principles by large sums of money." Let us see, then, how great a sum this was which could turn Heius, a man of exceeding riches, by no means covetous, away from decency, from affection, and from religion. You ordered him, I suppose, to enter in his account-books, "All these statues of Praxiteles, of Myron, of Polycletus, were sold to Verres for six thousand five hundred sesterces." Read the extracts from his accounts.

[The accounts of Heius are read.]

I am delighted that the illustrious names of these workmen, whom those men extol to the skies, have fallen so low in the estimation of Verres—the Cupid of Praxiteles for sixteen hundred sesterces. From that forsooth has come the proverb, "I had rather buy it than ask for it."

Someone will say, "What! do you value those things at a very high price?" But I am not valuing them according to any calculation of my own, or any need which I have for them; but I think that the matter ought to be looked at by you in this light: What is the value of these things in the opinion of those men who are judges of these things; at what price they are accustomed to be sold; at what price these very things could be sold, if they were sold openly and freely; lastly, at what price Verres himself values them? For he would never have been so foolish, if he had thought that Cupid worth only four hundred denarii, as to allow himself to be made a subject for the common conversation and general reproach of men. Who then of you all is ignorant at how great a price these things are valued? Have we not seen at an auction a brazen statue of no great size sold for a hundred and twenty thousand sesterces? What if I were to choose to name men who have bought similar things for no less a price, or even for a higher one? Can I not do so? In truth, the only limit to the valuation of such things is the desire which anyone has for them, for it is difficult to set bounds to the price unless you first set bounds to the wish. I see then that Heius was neither led by his inclination, nor by any temporary difficulties, nor by the greatness of the sum given, to sell these statues; and that you, under the pretence of purchase which you

put forward, in reality seized and took away these things by force, through fear, by your power and authority, from that man, whom, along with the rest of our allies in that country, the Roman people had intrusted not only to your power, but also to your upright exercise of it. What can there be, judges, so desirable for me in making this charge, as that Heius should say this same thing? Nothing certainly; but let us not wish for what is difficult to be obtained. Heius is a Mamertine. The state of the Mamertines alone, by a common resolution, praises that man in the name of the city. To all the rest of the Sicilians he is an object of hatred; by the Mamertines alone is he liked. But of that deputation which has been sent to utter his praises, Heius is the chief man; in truth, he is the chief man of his city, and too much occupied in discharging the public duties imposed upon him to speak of his private injuries. Though I was aware of and had given weight to these considerations, still, O judges, I trusted myself to Heius. I produced him at the first pleading; and indeed I did it without any danger, for what answer could Heius give even if he turned out a dishonest man, and unlike himself? Could he say that these statues were at his house, and not with Verres? How could he say anything of that sort? If he were the basest of men, and were inclined to lie most shamelessly, he would say this: that he had had them for sale, and that he had sold them at the price he wanted for them. The man the most noble in all his city, who was especially anxious that you should have a high opinion of his conscientiousness and of his worth, says first, that he spoke in Verres's praise by the public authority of his city, because that commission had been given to him; secondly, that he had not had these things for sale, and that, if he had been allowed to do what he wished, he could never have been induced by any terms to sell those things which were in his private chapel, having been left to him and handed down to him from his ancestors.

Why are you sitting there, O Verres? What are you waiting for? Why do you say you are hemmed in and overwhelmed by the cities of Centuripa, of Catina, of Halesa, of Tyndaris, of Enna, of Agyrium, and by all the other cities of Sicily? Your second country, as you used to call it, Messana herself attacks you; your own Messana, I say; the assistant in your crimes, the witness of your lusts, the receiver of your booty and your thefts.

For the most honorable man of that city is present, a deputy sent from his home on account of this very trial, the chief actor in the panegyric on you; who praises you by the public order of his city, for so he has been charged and commanded to do. Although you recollect, O judges, what he answered when he was asked about the ship; that it had been built by public labor, at the public expense, and that a Mamertine senator had been appointed by the public authority to superintend its building. Heius in his private capacity flees to you for aid, O judges; he avails himself of this law, the common fortress of our allies, by which this tribunal is established. Although there is a law for recovering money which has been unjustly extorted, he says that he does not seek to recover any money; which, though it has been taken from him, he does not so much care about; but he says he does demand back from you the sacred images belonging to his ancestors, he does demand back from you his hereditary household gods. Have you any shame, O Verres? have you any religion? have you any fear? You have lived in Heius's house at Messana; you saw him almost daily performing sacred rites in his private chapel before those gods. He is not influenced by money; he does not even ask to have those things restored which were merely ornaments. Keep the Canephoræ; restore the images of the gods. And because he said this, because after a given time he, an ally and friend of the Roman people, addressed his complaints to you in a moderate tone, because he was very attentive to religious obligation not only while demanding back his paternal gods, but also in giving his evidence on oath; know that one of the deputies has been sent back to Messana, that very man who superintended the building of that ship at the public expense, to demand from the Senate that Heius should be condemned to an ignominious punishment.

O most insane of men, what did you think? that you should obtain what you requested? Did you not know how greatly he was esteemed by his fellow-citizens; how great his influence was considered? But suppose you had obtained your request; suppose that the Mamertines had passed any severe vote against Heius, what do you think would have been the authority of their panegyric, if they had decreed punishment to the man who it was notorious had given true evidence? Although, what sort of praise is that, when he who utters it, being questioned, is com-

pelled to give answers injurious to him whom he is praising? What! are not those who are praising you my witnesses? Heius is an encomiast of yours; he has done you the most serious injury. I will bring forward the rest; they will gladly be silent about all that they are allowed to suppress; they will say what they cannot help saying, unwillingly. Can they deny that a transport of the largest size was built for that man at Messana? Let them deny it if they can. Can they deny that a Mamertine senator was appointed by the public authority to superintend the building of that ship? I wish they would deny it. There are other points also which I prefer reserving unmentioned at present, in order to give as little time as possible to them for planning and arranging their perjury. Let this praise, then, be placed to your account; let these men come to your relief with their authority, who neither ought to help you if they were able, nor could do so if they wished; on whom in their private capacity you have inflicted many injuries, and put many affronts, while in their city you have dishonored many families forever by your adulteries and crimes. "But you have been of public service to their city." Not without great injury to the republic and to the province of Sicily. They were bound to supply and they used to supply sixty thousand modii of wheat to the Roman people for payment; that was remitted by you of your own sole authority. The republic was injured because by your means its right of dominion over one city was disparaged; the Sicilians were injured, because this quantity was not deducted from the total amount of the corn to be provided by the island, but was only transferred to the cities of Centuripa and Halesa, whose inhabitants were exempt from that tax; and on them a greater burden was imposed than they were able to bear. It was your duty to require them to furnish a ship, in compliance with the treaty. You remitted it for three years. During all those years you never demanded one soldier. You acted as pirates are accustomed to act, who, though they are the common enemies of all men, still select some friends, whom they not only spare, but even enrich with their booty; and especially such as have a town in a convenient situation, where they often, and sometimes even necessarily, put in with their vessels.

The town of Phaselis, which Publius Servilius took, had not been in former times a city of Cilicians and pirates. The Lyci-

ans, a Greek tribe, inhabited it; but because it was in such a situation as it was, and because it projected into the sea, so that pirates from Cilicia often necessarily touched at it when departing on an expedition, and were also often borne thither on their retreats, the pirates connected that city with themselves; at first by commercial intercourse, and afterward by a regular alliance. The city of the Mamertines was not formerly of bad character; it was even a city hostile to dishonest men, and detained the luggage of Caius Cato, the one who was consul. But then what sort of a man was he? a most eminent and most influential man; who, however, though he had been consul, was convicted. So Caius Cato, the grandson of two most illustrious men, Lucius Paullus and Marcus Cato, and the son of the sister of Publius Africanus, who, even when convicted, at a time when severe judgments were in the habit of being passed, found the damages to which he was liable only estimated at eighteen thousand sesterces; with this man, I say, the Mamertines were angry, who have often expended a greater sum than the damages in the action against Cato were laid at, in one banquet for Timarchides. But this city was the Phaselis for that robber and pirate of Sicily. Hither everything was brought from all quarters; with them it was left; whatever required to be concealed, they kept separate and stored away. By their agency he contrived everything which he wished put on board ship privily, and exported secretly; and in their harbor he contrived to have a vessel of the largest size built, for him to send to Italy loaded with plunder. In return for these services he gave them immunity from all expense, all labor, all military service, in short, from everything. For three years they were the only people, not only in Sicily, but, according to my opinion, in the whole world at such a time, who enjoyed excuse, relief, freedom, and immunity from every sort of expense, and trouble, and office. Hence arose that Verrean festival; hence it was that he ventured to order Sextus Cominius to be dragged before him at a banquet, at whom he attempted to throw a goblet, whom he ordered to be seized by the throat, and to be hurried from the banquet and thrown into a dark prison; hence came that cross, on which, in the sight of many men, he suspended a Roman citizen; that cross which he never ventured to erect anywhere except among that people, whom he had made sharers in all his crimes and robberies.

Do you, O Mamertines! dare to come to praise anyone? By what authority? by that which you ought to have with the senatorial order? by that which you ought to have with the Roman people? Is there any city, not only in our provinces, but in the most distant nations, either so powerful, or so free, or so savage and uncivilized? is there any king, who would not invite a senator of the Roman people to his house and to his home? An honor which is paid not only to the man, but in the first place to the Roman people, by whose indulgence we have risen to this order, and secondly to the authority of this order; and unless that is respected among our allies, where will be the name and dignity of the empire among foreign nations? The Mamertines did not give me any public invitation—when I say me, that is a trifle; but when they did not invite a senator of the Roman people, they withheld an honor due not to the man but to his order. For to Tullius himself, the most splendid and magnificent house of Cnæus Pompeius Basilicus was opened; with whom he would have lodged even if he had been invited by you. There was also the most honorable house of the Percennii, who are now also called Pompeius; where Lucius my brother lodged and was received by them with the greatest eagerness. A senator of the Roman people, as far as depended on you as a body, lay in your town, and passed the night in the public streets. No other city ever did such a thing. "Yes," say you, "for you were instituting a prosecution against our friend." Will you put your own interpretation on what private business I have of my own, by diminishing the honor due to the Senate? But I will make my complaint of this conduct, if ever the time comes that there is any discussion concerning you among that body, which, up to this time, has been affronted by no one but you. With what face have you presented yourself before the eyes of the Roman people? when you have not yet pulled down that cross, which is even now stained with the blood of a Roman citizen, which is fixed up in your city by the harbor, and have not thrown it into the sea and purified all that place, before you came to Rome, and before this tribunal. On the territory of the Mamertines, connected with us by treaty, at peace with us, is that monument of your cruelty raised. Is not your city the only one where, when anyone arrives at it from Italy, he sees the cross of a Roman citizen before he sees any friend of the Roman

people? which you are in the habit of displaying to the people of Rhegium, whose city you envy, and to your inhabitants, Roman citizens as they are, to make them think less of themselves, and be less inclined to despise you, when they see the privileges of our citizenship extinguished by such a punishment.

But you say you bought these things? What? did you forget to purchase of the same Heius that Attalic [2] tapestry, celebrated over the whole of Sicily? You might have bought them in the same way as you did the statues. For what did you do? Did you wish to spare the account-books? This escaped the notice of that stupid man; he thought that what he stole from the wardrobe would be less notorious than what he had stolen from the private chapel. But how did he get it? I cannot relate it more plainly than Heius himself related it before you. When I asked, whether any other part of his property had come to Verres, he answered that he had sent him orders to send the tapestry to Agrigentum to him. I asked whether he had sent it. He replied as he must, that is, that he had been obedient to the prætor; that he had sent it. I asked whether it had arrived at Agrigentum; he said it had arrived. I asked in what condition it had returned; he said it had not returned yet. There was a laugh and a murmur from all the people. Did it never occur to you in this instance to order him to make an entry in his books, that he had sold you this tapestry too, for six thousand five hundred sesterces? Did you fear that your debts would increase, if these things were to cost you six thousand five hundred sesterces, which you could easily sell for two hundred thousand? It was worth that, believe me. You would have been able to defend yourself if you had given that sum for it. No one would then have asked how much it was worth. If you could only prove that you had bought it, you could easily make your cause and your conduct appear reasonable to anyone. But as it is, you have no way of getting out of your difficulty about the tapestry. What shall I say next? Did you take away by force some splendid harness, which is said to have belonged to King Hiero, from Philarchus of Centuripa, a wealthy and high-born man, or did you buy it of him? When I was in Sicily, this is what I heard from the Centuripans and from everybody else,

[2] Attalus, king of Pergamus, had been the inventor of weaving gold thread into tapestry work, and therefore tapestry with gold threads interwoven in it was called by his name.

for the case was very notorious; people said that you had taken away this harness from Philarchus of Centuripa, and other very beautiful harness from Aristus of Panormus, and a third set from Cratippus of Tyndarus. Indeed, if Philarchus had sold it to you, you would not, after the prosecution was instituted against you, have promised to restore it. But because you saw that many people knew of it, you thought that if you restored it to him, you would only have so much the less, but the original transaction would be proved against you nevertheless; and so you did not restore it. Philarchus said in his evidence, that when he became acquainted with this disease of yours, as your friends call it, he wished to conceal from you the knowledge of the existence of this harness; that when he was summoned by you, he said that he had not got any; and indeed, that he had removed them to another person's house, that they might not be found; but that your instinct was so great, that you saw them by the assistance of the very man in whose custody they were deposited; that then he could not deny that you had found him out, and so that the harness was taken from him against his will, and without any payment.

Now, O judges, it is worth your while to know how he was accustomed to find and trace out all these things. There are two brothers, citizens of Cibyra, Tlepolemus and Hiero, one of whom, I believe, was accustomed to model in wax, the other was a painter. I fancy these men, as they had become suspected by their fellow-citizens of having plundered the temple of Apollo at Cibyra, fearing a trial and the punishment of the law, had fled from their homes. As they had known that Verres was a great connoisseur of such works as theirs, at the time that he, as you learned from the witnesses, came to Cibyra with fictitious bills of exchange, they, when flying from their homes as exiles, came to him when he was in Asia. He has kept them with him ever since that time; and in the robberies he committed, and in the booty he acquired during his lieutenancy, he greatly availed himself of their assistance and their advice. These are the men who were meant when Quintus Tadius made an entry in his books that he had given things by Verres's order to some Greek painters. They were already well known to, and had been thoroughly tried by him, when he took them with him into Sicily. And when they arrived there, they scented out and

tracked everything in so marvellous a manner (you might have thought they were blood-hounds), that, wherever anything was, they found it out by some means or other. Some things they found out by threatening, some by promising; this by means of slaves, that through freemen; one thing by a friend, another by an enemy. Whatever pleased them was sure to be lost. They whose plate was demanded had nothing else to hope, than that Tlepolemus and Hiero might not approve of it.

I will relate to you this fact, O judges, most truly. I recollect that Pamphilus of Lilybæum, a connection of mine by ties of hospitality, and a personal friend of mine, a man of the highest birth, told me, that when that man had taken from him, by his absolute power, an ewer made by the hand of Boethus, of exquisite workmanship and great weight, he went home very sad in truth, and greatly agitated, because a vessel of that sort, which had been left to him by his father and his forefathers, and which he was accustomed to use on days of festival, and on the arrival of ancient friends, had been taken from him. While I was sitting at home, said he, in great indignation, up comes one of the slaves of Venus; he orders me immediately to bring to the prætor some embossed goblets. I was greatly vexed, said he; I had two; I ordered them both to be taken out of the closet, lest any worse thing should happen, and to be brought after me to the prætor's house. When I got there the prætor was asleep; the Cibyratic brothers were walking about, and when they saw me, they said, Pamphilus, where are the cups? I show them with great grief; they praise them. I begin to complain that I shall have nothing left of any value at all, if my cups too were taken away. Then they, when they see me vexed, say, What are you willing to give us to prevent these from being taken from you? To make my story short, I said that I would give six hundred sesterces. Meantime the prætor summons us; he asks for the cups. Then they began to say to the prætor, that they had thought from what they had heard, that Pamphilus's cups were of some value, but that they were miserable things, quite unworthy of Verres's having them among his plate. He said he thought so too. So Pamphilus saved his exquisite goblets. And indeed, before I heard this, though I knew that it was a very trifling sort of accomplishment to understand things of that sort, yet I used to wonder that he had any knowledge of them

at all, as I knew that in nothing whatever had he any qualities like a man.

But when I heard this, I then for the first time understood that that was the use of these two Cibyratic brothers; that in his robberies he used his own hands, but their eyes. But he was so covetous of that splendid reputation of being thought to be a judge of such matters, that lately (just observe the man's madness), after his case was adjourned, when he was already as good as condemned, and civilly dead, at the time of the games of the circus, when early in the morning the couches were spread in preparation for a banquet at the house of Lucius Sisenna, a man of the first consideration, and when the plate was all set out, and when, as was suited to the dignity of Lucius Sisenna, the house was full of honorable men, he came to the plate, and began in a leisurely way to examine and consider every separate piece. Some marvelled at the folly of the man, who, while his trial was actually going on, was increasing the suspicion of that covetousness of which he was accused; others marvelled at his insensibility, that any such things could come into his head, when the time for judgment in his cause was so near at hand, and when so many witnesses had spoken against him. But Sisenna's servants, who, I suppose, had heard the evidence which had been given against him, never took their eyes off him, and never departed out of reach of the plate. It is the part of a sagacious judge, from small circumstances to form his opinion of every man's covetousness or incontinence. And will anyone believe that this man, when prætor, was able to keep either his covetousness or his hands from the plate of the Sicilians, when, though a defendant, and a defendant within two days of judgment, a man in reality, and in the opinion of all men as good as already condemned, he could not in a large assembly restrain himself from handling and examining the plate of Lucius Sisenna?

But that my discourse may return to Lilybæum, from which I have made this digression, there is a man named Diocles, the son-in-law of Pamphilus, of that Pamphilus from whom the ewer was taken away, whose surname is Popillius. From this man he took away every article on his sideboard where his plate was set out. He may say, if he pleases, that he had bought them. In fact, in this case, by reason of the magnitude of the robbery, an entry of it, I imagine, has been made in the account-books.

He ordered Timarchides to value the plate. How did he do it? At as low a price as anyone ever valued anything presented to an actor. Although I have been for some time acting foolishly in saying so much about your purchases, and in asking whether you bought the things, and how, and at what price you bought them, when I can settle all that by one word. Produce me a written list of what plate you acquired in the province of Sicily, from whom, and at what price you bought each article. What will you do? Though I ought not to ask you for these accounts, for I ought to have your account-books and to produce them. But you say that you never kept any accounts of your expenses in these years. Make me out at least this one which I am asking for, the account of the plate, and I will not mind the rest at present. "I have no writings of the sort; I cannot produce any accounts." What then is to be done? What do you think that these judges can do? Your house was full of most beautiful statues already, before your prætorship; many were placed in your villas, many were deposited with your friends; many were given and presented to other people; yet you have no accounts speaking of any single one having been bought. All the plate in Sicily has been taken away. There is nothing left to anyone that can be called his own. A scandalous defence is invented, that the prætor bought all that plate; and yet that cannot be proved by any accounts. If you do produce any accounts, still there is no entry in them how you have acquired what you have got. But of these years during which you say that you bought the greatest number of things, you produce no accounts at all. Must you not inevitably be condemned, both by the accounts which you do, and by those which you do not produce?

You also took away at Lilybæum whatever silver vessels you chose from Marcus Cælius, a Roman knight, a most excellent young man. You did not hesitate to take away the whole furniture of Caius Cacurius, a most active and accomplished man, and of the greatest influence in this city. You took away, with the knowledge of everybody, a very large and very beautiful table of citron-wood from Quintus Lutatius Diodorus, who, owing to the kind exertion of his interest by Quintus Catulus, was made a Roman citizen by Lucius Sylla. I do not object to you that you stripped and plundered a most worthy imitator of yours in his

whole character, Apollonius, the son of Nico, a citizen of Drepanum, who is now called Aulus Clodius, of all his exquisitely wrought silver plate; I say nothing of that. For he does not think that any injury has been done to him, because you came to his assistance when he was a ruined man, with the rope round his neck, and shared with him the property belonging to their father, of which he had plundered his wards at Drepanum. I am even very glad if you took anything from him, and I say that nothing was ever better done by you. But it certainly was not right that the statue of Apollo should have been taken away from Lyso of Lilybæum, a most eminent man, with whom you have been staying as a guest. But you will say that you bought it—I know that—for six hundred sesterces. So I suppose: I know it, I say; I will produce the accounts; and yet that ought not to have been done. Will you say that the drinking-vessels with emblems of Lilybæum on them were bought from Heius, the minor to whom Marcellus is guardian, whom you had plundered of a large sum of money, or will you confess that they were taken by force?

But why do I enumerate all his ordinary iniquities in affairs of this sort, which appear to consist only in robberies committed by him, and in losses borne by those whom he plundered? Listen, if you please, O judges, to an action of such a sort as will prove to you clearly his extraordinary madness and frenzy, rather than any ordinary covetousness.

There is a man of Melita, called Diodorus, who has already given evidence before you. He has been now living at Lilybæum many years; a man of great nobility at home, and of great credit and popularity with the people among whom he has settled, on account of his virtue. It is reported to Verres of this man that he has some exceedingly fine specimens of chased work; and among them two goblets called Thericlean,[3] made by the hand of Mentor with the most exquisite skill. And when Verres heard of this, he was inflamed with such a desire, not only of beholding, but also of appropriating them, that he summoned Diodorus, and demanded them. He replied, as was natural for a man who took great pride in them, that he had not

[3] "Thericles was a potter in the time of Aristophanes, who made earthenware vessels of a peculiar black clay. In subsequent time, any goblets made in imitation of his, whether of wood, silver, or glass, were called Thericlean." —Grævius.

got them at Lilybæum; that he had left them at Melita, in the house of a relation of his. On this he immediately sends men on whom he can rely to Melita; he writes to certain inhabitants of Melita to search out those vessels for him; he desires Diodorus to give them letters to that relation of his—the time appeared to him endless till he could see those pieces of plate. Diodorus, a prudent and careful man, who wished to keep his own property, writes to his relation to make answer to those men who came from Verres, that he had sent the cups to Lilybæum a few days before. In the mean time he himself leaves the place. He preferred leaving his home, to staying in it and losing that exquisitely wrought silverwork. But when Verres heard of this, he was so agitated that he seemed to everyone to be raving, and to be beyond all question mad. Because he could not steal the plate himself, he said that he had been robbed by Diodorus of some exquisitely wrought vessels; he poured out threats against the absent Diodorus; he used to roar out before people; sometimes he could not restrain his tears. We have heard in the mythology of Eriphyla being so covetous that when she had seen a necklace, made, I suppose, of gold and jewels, she was so excited by its beauty, that she betrayed her husband for the sake of it. His covetousness was similar; but in one respect more violent and more senseless, because she was desiring a thing which she had seen, while his wishes were excited not only by his eyes, but even by his ears.

He orders Diodorus to be sought for over the whole province. He had by this time struck his camp, packed up his baggage, and left Sicily. Verres, in order by some means or other to bring the man back to the province, devises this plan, if it is to be called a plan, and not rather a piece of madness. He sets up one of the men he calls his hounds, to say that he wishes to institute a prosecution against Diodorus of Melita for a capital offence. At first all men wondered at such a thing being imputed to Diodorus, a most quiet man, and as far removed as any man from all suspicion, not only of crime, but of even the slightest irregularity. But it soon became evident, that all this was done for the sake of his silver. Verres does not hesitate to order the prosecution to be instituted; and that, I imagine, was the first instance of his allowing an accusation to be made against an absent man. The matter was notorious over all Sicily, that

men were prosecuted for capital offences because the prætor coveted their chased silver plate; and that prosecutions were instituted against them not only when they were present, but even in their absence. Diodorus goes to Rome, and putting on mourning, calls on all his patrons and friends; relates the affair to everyone. Earnest letters are written to Verres by his father, and by his friends, warning him to take care what he did, and what steps he took respecting Diodorus; that the matter was notorious and very unpopular; that he must be out of his senses; that this one charge would ruin him if he did not take care. At that time he considered his father, if not in the light of a parent, at least in that of a man. He had not yet sufficiently prepared himself for a trial; it was his first year in the province; he was not, as he was by the time of the affair of Sthenius, loaded with money. And so his frenzy was checked a little, not by shame, but by fear and alarm. He does not dare to condemn Diodorus; he takes his name out of the list of defendants while he is absent. In the meantime Diodorus, for nearly three years, as long as that man was prætor, was banished from the province and from his home. Every one else, not only Sicilians, but Roman citizens too, settled this in their minds, that, since he had carried his covetousness to such an extent, there was nothing which anyone could expect to preserve or retain in his own possession if it was admired ever so little by Verres.

But after they understood that that brave man, Quintus Arrius, whom the province was eagerly looking for, was not his successor, they then settled that they could keep nothing so carefully shut up or hidden away, as not to be most open and visible to his covetousness. After that, he took away from an honorable and highly esteemed Roman knight, named Cnæus Calidius, whose son he knew to be a senator of the Roman people and a judge, some beautiful silver horses which had belonged to Quintus Maximus. I did not mean to say this, O judges, for he bought those, he did not steal them; I wish I had not mentioned them. Now he will boast, and have a fine ride on these horses. "I bought them, I have paid the money for them." I have no doubt account-books also will be produced. It is well worth while. Give me then the account-books. You are at liberty to get rid of this charge respecting Calidius, as long as I can get a sight of these accounts; still, if you had bought them,

what ground had Calidius for complaining at Rome, that, though he had been living so many years in Sicily as a trader, you were the only person who had so despised and so insulted him, as to plunder him in common with all the rest of the Sicilians? what ground had he for declaring that he would demand his plate back again from you, if he had sold it to you of his own free will? Moreover, how could you avoid restoring it to Cnæus Calidius; especially when he was such an intimate friend of Lucius Sisenna, your defender, and as you had restored their property to the other friends of Sisenna? Lastly, I do not suppose you will deny that by the intervention of Potamo, a friend of yours, you restored his plate to Lucius Cordius, an honorable man, but not more highly esteemed than Cnæus Calidius; and it was he who made the cause of the rest more difficult to plead before you; for though you had promised many men to restore them their property, yet, after Cordius had stated in his evidence that you had restored him his, you desisted from making any more restorations, because you saw that you lost your plunder, and yet could not escape the evidence against you. Under all other prætors Cnæus Calidius, a Roman knight, was allowed to have plate finely wrought; he was permitted to be able from his own stores to adorn and furnish a banquet handsomely, when he had invited a magistrate or any superior officer. Many men in power and authority have been with Cnæus Calidius at his house; no one was ever found so mad as to take from him that admirable and splendid plate; no one was found bold enough to ask for it; no one impudent enough to beg him to sell it. For it is an arrogant thing, an intolerable thing, O judges, for a prætor to say to an honorable, and rich, and well-appointed man in his province, "Sell me those chased goblets." For it is saying, "You do not deserve to have things which are so beautifully made; they are better suited to a man of my stamp." Are you, O Verres, more worthy than Calidius? whom (not to compare your way of life with his, for they are not to be compared, but) I will compare you with in respect of this very dignity owing to which you make yourself out his superior. You gave eighty thousand sesterces to canvassing agents to procure your election as prætor; you gave three hundred thousand to an accuser not to press hardly upon you: do you, on that account, look down upon and despise the equestrian order? Is it on that account

that it seemed to you a scandalous thing that Calidius should have anything that you admired rather than that you should?

He has been long boasting of this transaction with Calidius, and telling everyone that he bought the things. Did you also buy that censer of Lucius Papirius, a man of the highest reputation, wealth, and honor, and a Roman knight? who stated in his evidence that, when you had begged for it to look at, you returned it with the emblems torn off; so that you may understand that it is all taste in that man, not avarice; that it is the fine work that he covets, not the silver. Nor was his abstinence exercised only in the case of Papirius; he practised exactly the same conduct with respect to every censer in Sicily; and it is quite incredible how many beautifully wrought censers there were. I imagine that, when Sicily was at the height of its power and opulence, there were extensive work-shops in that island; for before that man went thither as prætor there was no house tolerably rich, in which there were not these things, even if there was no other silver plate besides; namely, a large dish with figures and images of the gods embossed on it, a goblet which the women used for sacred purposes, and a censer. And all these were antique, and executed with the most admirable skill, so that one may suspect everything else in Sicily was on a similar scale of magnificence; but that though fortune had deprived them of much, those things were still preserved among them which were retained for purposes of religion. I said just now, O judges, that there were many censers, in almost every house in fact; I assert also, that now there is not even one left. What is the meaning of this? what monster, what prodigy did we send into the province? Does it not appear to you that he desired, when he returned to Rome, to satisfy not the covetousness of one man, not his own eyes only, but the insane passion of every covetous man; for as soon as he ever came into any city, immediately those Cibyratic hounds of his were slipped, to search and find out everything. If they found any large vessel, any considerable work, they brought it to him with joy; if they could hunt out any smaller vessel of the same sort, they looked on those as a sort of lesser game, whether they were dishes, cups, censers, or anything else. What weepings of women, what lamentations do you suppose took place over these things? things which may perhaps seem insignificant to you, but which excite great and

bitter indignation, especially among women, who grieve when those things are torn from their hands which they have been accustomed to use in religious ceremonies, which they have received from their ancestors, and which have always been in their family.

Do not now wait while I follow up this charge from door to door, and show you that he stole a goblet from Æschylus the Tyndaritan; a dish from another citizen of Tyndaris named Thraso; a censer from Nymphodorus of Agrigentum. When I produce my witnesses from Sicily he may select whom he pleases for me to examine about dishes, goblets, and censers. Not only no town, no single house that is tolerably well off will be found to have been free from the injurious treatment of this man; who, even if he had come to a banquet, if he saw any finely wrought plate, could not, O judges, keep his hands from it. There is a man named Cnæus Pompeius Philo, who was a native of Tyndaris; he gave Verres a supper at his villa in the country near Tyndaris; he did what Sicilians did not dare to do, but what, because he was a citizen of Rome, he thought he could do with impunity, he put before him a dish on which were some exceedingly beautiful figures. Verres, the moment he saw it, determined to rob his host's table of that memorial of the Penates and of the gods of hospitality. But yet, in accordance with what I have said before of his great moderation, he restored the rest of the silver after he had torn off the figures; so free was he from all avarice! What want you more? Did he not do the same thing to Eupolemus of Calacta, a noble man, connected with, and an intimate friend of the Luculli; a man who is now serving in the army under Lucius Lucullus? He was supping with him; the rest of the silver which he had set before him had no ornament on it, lest he himself should also be left without any ornament; but there were also two gold goblets, of no large size, but with figures on them. He, as if he had been a professional diner-out, who was not to go away without a present, on the spot, in the sight of all the other guests, tore off the figures. I do not attempt to enumerate all his exploits of this sort; it is neither necessary nor possible. I only produce to you tokens and samples of each description of his varied and universal rascality. Nor did he behave in these affairs as if he would some day or other be called to account for them, but altogether as if

he was either never likely to be prosecuted, or else as if the more he stole, the less would be his danger when he was brought before the court; inasmuch as he did these things which I am speaking of not secretly, not by the instrumentality of friends or agents, but openly, from his high position, by his own power and authority.

When he had come to Catina, a wealthy, honorable, influential city, he ordered Dionysiarchus the proagorus, that is to say, the chief magistrate, to be summoned before him; he openly orders him to take care that all the silver plate which was in anybody's house at Catina, was collected together and brought to him. Did you not hear Philarchus of Centuripa, a man of the highest position as to noble birth, and virtue, and riches, say the same thing on his oath; namely, that Verres had charged and commanded him to collect together, and ordered to be conveyed to him, all the silver plate at Centuripa, by far the largest and wealthiest city in all Sicily? In the same manner at Agyrium, all the Corinthian vessels there were there, in accordance with his command, were transported to Syracuse by the agency of Apollodorus, whom you have heard as a witness. But the most extraordinary conduct of all was this; when that painstaking and industrious prætor had arrived at Haluntium, he would not himself go up into the town, because the ascent was steep and difficult; but he ordered Archagathus of Haluntium, one of the noblest men, not merely in his own city, but in all Sicily, to be summoned before him, and gave him a charge to take care that all the chased silver that there was at Haluntium, and every specimen of Corinthian work too, should be at once taken down from the town to the sea-side. Archagathus went up into the town. That noble man, as one who wished to be loved and esteemed by his fellow-citizens, was very indignant at having such an office imposed upon him, and did not know what to do. He announces the commands he has received. He orders them to produce what they had. There was great consternation, for the tyrant himself had not gone away to any distance; lying on a litter by the sea-side below the town, he was waiting for Archagathus and the silver plate. What a gathering of people do you suppose took place in the town? what an uproar? what weeping of women? they who saw it would have said that the Trojan horse had been introduced, and that the city was taken.

Vessels were brought out without their cases; others were wrenched out of the hands of women; many people's doors were broken open, and their locks forced. For what else can you suppose? Even if ever, at a time of war and tumult, arms are demanded of private citizens, still men give them unwillingly, though they know that they are giving them for the common safety. Do not suppose, then, that anyone produced his carved plate out of his house for another man to steal, without the greatest distress. Everything is brought down to the shore. The Cibyratic brothers are summoned; they condemn some articles; whatever they approve of has its figures in relief or its embossed emblems torn off. And so the Haluntines, having had all their ornaments wrenched off, returned home with the plain silver.

Was there ever, O judges, a drag-net of such a sort as this in that province? People have sometimes during their year of office diverted some part of the public property to their own use, in the most secret manner; sometimes they even secretly plundered some private citizen of something; and still they were condemned. And if you ask me, though I am detracting somewhat from my own credit by saying so, I think those were the real accusers, who traced the robberies of such men as this by scent, or by some lightly imprinted footsteps; for what is it that we are doing in respect of Verres, who has wallowed in the mud till we can find him out by the traces of his whole body? Is it a great undertaking to say anything against a man, who while he was passing by a place, having his litter put down to rest for a little time, plundered a whole city, house by house, without condescending to any pretences, openly, by his own authority, and by an absolute command? But still, that he might be able to say that he had bought them, he orders Archagathus to give those men, to whom the plate had belonged, some little money, just for form's sake. Archagathus found a few who would accept the money, and those he paid. And still Verres never paid Archagathus that money. Archagathus intended to claim it at Rome; but Cnæus Lentulus Marcellinus dissuaded him, as you heard him state himself. Read the evidence of Archagathus, and of Lentulus, and that you may not imagine that the man wished to heap up such a mass of figures without any reason, just see at what rate he valued you,

and in the opinion of the Roman people, and the laws, and the courts of justice, and the Sicilian witnesses and traders. After he had collected such a vast number of figures that he had not left one single figure to anybody, he established an immense shop in the palace at Syracuse; he openly orders all the manufacturers, and carvers, and goldsmiths to be summoned—and he himself had many in his own employ; he collects a great multitude of men; he kept them employed uninterruptedly for eight months, though all that time no vessels were made of anything but gold. In that time he had so skilfully wrought the figures which he had torn off the goblets and censers, into golden goblets, or had so ingeniously joined them into golden cups, that you would say that they had been made for that very purpose; and he, the prætor, who says that it was owing to his vigilance that peace was maintained in Sicily, was accustomed to sit in his tunic and dark cloak the greater part of the day in this work-shop.

I would not venture, O judges, to mention these things, if I were not afraid that you might perhaps say that you had heard more about that man from others in common conversation, than you had heard from me in this trial; for who is there who has not heard of this work-shop, of the golden vessels, of Verres's tunic and dark cloak? Name any respectable man you please out of the whole body of settlers at Syracuse, I will produce him; there will not be one person who will not say that he has either seen this or heard of it. Alas for the age! alas for the degeneracy of our manners! I will not mention anything of any great antiquity; there are many of you, O judges, who knew Lucius Piso, the father of this Lucius Piso, who was prætor. When he was prætor in Spain, in which province he was slain, somehow or other, while he was practising his exercises in arms, the golden ring which he had was broken and crushed. As he wanted to get himself another ring, he ordered a goldsmith to be summoned into the forum before his throne of office, at Corduba, and openly weighed him out the gold. He ordered the man to set up his bench in the forum, and to make him a ring in the presence of everyone. Perhaps in truth some may say that he was too exact, and to this extent anyone who chooses may blame him, but no further. Still such conduct was allowable for him, for he was the

son of Lucius Piso, of that man who first made the law about extortion and embezzlement. It is quite ridiculous for me to speak of Verres now, when I have just been speaking of Piso the Thrifty; still, see what a difference there is between the men; that man, while he was making some side-boards full of golden vessels, did not care what his reputation was, not only in Sicily, but also at Rome in the court of justice; the other wished all Spain to know to half an ounce how much gold it took to make a prætor's ring. Forsooth, as the one proved his right to his name, so did the other to his surname.

It is utterly impossible for me either to retain in my memory, or to embrace in my speech, all his exploits. I wish just to touch briefly on the different kinds of deeds done by him, just as here the ring of Piso reminded me of what had otherwise entirely escaped my recollection. From how many honorable men do you imagine that that man tore the golden rings from off their fingers? He never hesitated to do so whenever he was pleased with either the jewels or the fashion of the ring belonging to anyone. I am going to mention an incredible fact, but still one so notorious that I do not think that he himself will deny it. When a letter had been brought to Valentius his interpreter from Agrigentum, by chance Verres himself noticed the impression on the seal; he was pleased with it, he asked where the letter came from; he was told, from Agrigentum. He sent letters to the men with whom he was accustomed to communicate, ordering that ring to be brought to him as soon as possible. And accordingly, in compliance with his letter, it was torn off the finger of a master of a family, a certain Lucius Titius, a Roman citizen. But that covetousness of his is quite beyond belief. For as he wished to provide three hundred couches beautifully covered, with all other decorations for a banquet, for the different rooms which he has, not only at Rome, but in his different villas, he collected such a number, that there was no wealthy house in all Sicily where he did not set up an embroiderer's shop.

There is a woman, a citizen of Segasta, very rich, and nobly born, by name Lamia. She, having her house full of spinning jennies, for three years was making him robes and coverlets, all dyed with purple; Attalus, a rich man at Netum; Lyso at Lilybæum; Critolaus at Enna; at Syracuse Æschrio, Cleomenes,

and Theomnastus; at Elorum Archonides and Megistus. My voice will fail me before the names of the men whom he employed in this way will; he himself supplied the purple—his friends supplied only the work, I dare say; for I have no wish to accuse him in every particular, as if it were not enough for me, with a view to accuse him, that he should have had so much to give, that he should have wished to carry away so many things; and, besides all that, this thing which he admits, namely, that he should have employed the work of his friends in affairs of this sort. But now do you suppose that brazen couches and brazen candelabra were made at Syracuse for anyone but for him the whole of that three years? He bought them, I suppose; but I am informing you so fully, O judges, of what that man did in his province as prætor, that he may not by chance appear to anyone to have been careless, and not to have provided and adorned himself sufficiently when he had absolute power.

I come now, not to a theft, not to avarice, not to covetousness, but to an action of that sort that every kind of wickedness seems to be contained in it, and to be in it; by which the immortal gods were insulted, the reputation and authority of the name of the Roman people was impaired, hospitality was betrayed and plundered, all the kings who were most friendly to us, and the nations which are under their rule and dominion, were alienated from us by his wickedness. For you know that the kings of Syria, the boyish sons of King Antiochus, have lately been at Rome. And they came not on account of the kingdom of Syria; for that they had obtained possession of without dispute, as they had received it from their father and their ancestors; but they thought that the kingdom of Egypt belonged to them and to Selene their mother. When they, being hindered by the critical state of the republic at that time, were not able to obtain the discussion of the subject as they wished before the Senate, they departed for Syria, their paternal kingdom. One of them—the one whose name is Antiochus—wished to make his journey through Sicily. And so, while Verres was prætor, he came to Syracuse. On this Verres thought that an inheritance had come to him, because a man whom he had heard, and on other accounts suspected had many splendid things with him, had come into the kingdom and into his power.

He sends him presents—liberal enough—for all domestic uses; as much wine and oil as he thought fit; and as much wheat as he could want, out of his tenths. After that he invites the king himself to supper. He decorates a couch abundantly and magnificently. He sets out the numerous and beautiful silver vessels, in which he was so rich; for he had not yet made all those golden ones. He takes care that the banquet shall be splendidly appointed and provided in every particular. Why need I make a long story of it? The king departed, thinking that Verres was superbly provided with everything, and that he himself had been magnificently treated. After that, he himself invites the prætor to supper. He displays all his treasures; much silver, also not a few goblets of gold, which, as is the custom of kings, and especially in Syria, were studded all over with most splendid jewels. There was also a vessel for wine, a ladle hollowed out of one single large precious stone, with a golden handle, concerning which, I think, you heard Quintus Minutius speak, a sufficiently capable judge, and sufficiently credible witness. Verres took each separate piece of plate into his hand, praised it—admired it. The king was delighted that that banquet was tolerably pleasant and agreeable to a prætor of the Roman people. After the banquet was over, Verres thought of nothing else, as the facts themselves showed, than how he might plunder and strip the king of everything before he departed from the province. He sends to ask for the most exquisite of the vessels which he had seen at Antiochus's lodgings. He said that he wished to show them to his engravers. The king, who did not know the man, most willingly sent them, without any suspicion of his intention. He sends also to borrow the jewelled ladle. He said that he wished to examine it more attentively; that also is sent to him.

Now, O judges, mark what followed; things which you have already heard, and which the Roman people will not hear now for the first time, and which have been reported abroad among foreign nations to the farthest corners of the earth. The kings, whom I have spoken of, had brought to Rome a candelabrum of the finest jewels, made with most extraordinary skill, in order to place it in the Capitol; but as they found that temple not yet finished, they could not place it there. Nor were they willing to display it and produce it in common, in order that it might

seem more splendid when it was placed at its proper time in the shrine of the great and good Jupiter, and brighter, also, as its beauty would come fresh and untarnished before the eyes of men. They determined, therefore, to take it back with them into Syria with the intention, when they should hear that the image of the great and good Jupiter was dedicated, of sending ambassadors who should bring that exquisite and most beautiful present, with other offerings, to the Capitol. The matter, I know not how, got to his ears. For the king had wished it kept entirely concealed; not because he feared or suspected anything, but because he did not wish many to feast their eyes on it before the Roman people. He begs the king, and entreats him most earnestly to send it to him; he says that he longs to look at it himself, and that he will not allow anyone else to see it. Antiochus, being both of a childlike and royal disposition, suspected nothing of that man's dishonesty, and orders his servants to take it as secretly as possible, and well wrapped up, to the prætor's house. And when they brought it there, and placed it on a table, having taken off the coverings, Verres began to exclaim that it was a thing worthy of the kingdom of Syria, worthy of being a royal present, worthy of the Capitol. In truth, it was of such splendor as a thing must be which is made of the most brilliant and beautiful jewels; of such variety of pattern that the skill of the workmanship seemed to vie with the richness of the materials; and of such a size that it might easily be seen that it had been made not for the furniture of men, but for the decoration of a most noble temple. And when he appeared to have examined it sufficiently, the servants begin to take it up to carry it back again. He says that he wishes to examine it over and over again; that he is not half satiated with the sight of it; he orders them to depart and to leave the candelabrum. So they then return to Antiochus empty-handed.

The king at first feared nothing, suspected nothing. One day passed—two days—many days. It was not brought back. Then the king sends to Verres to beg him to return it, if he will be so good. He bids the slaves come again. The king begins to think it strange. He sends a second time. It is not returned. He himself calls on the man; he begs him to restore it to him. Think of the face and marvellous impudence of the man. That thing which he knew, and which he had heard from

the king himself was to be placed in the Capitol, which he knew was being kept for the great and good Jupiter, and for the Roman people, that he began to ask and entreat earnestly to have given to him. When the king said that he was prevented from complying by the reverence due to Jupiter Capitolinus, and by his regard for the opinion of men, because many nations were witnesses to the fact of the candelabrum having been made for a present to the god, the fellow began to threaten him most violently. When he sees that he is no more influenced by threats than he had been by prayers, on a sudden he orders him to leave his province before night. He says, that he has found out that pirates from his kingdom were coming against Sicily. The king, in the most frequented place in Syracuse, in the forum —in the forum at Syracuse, I say (that no man may suppose I am bringing forward a charge about which there is any obscurity, or imagining anything which rests on mere suspicion), weeping, and calling gods and men to witness, began to cry out that Caius Verres had taken from him a candelabrum made of jewels, which he was about to send to the Capitol, and which he wished to be in that most splendid temple as a memorial to the Roman people of his alliance with and friendship for them. He said that he did not care about the other works made of gold and jewels belonging to him which were in Verres's hands, but that it was a miserable and scandalous thing for this to be taken from him. And that, although it had long ago been consecrated in the minds and intentions of himself and his brother, still, that he then, before that assembled body of Roman citizens, offered, and gave, and dedicated, and consecrated it to the great and good Jupiter, and that he invoked Jupiter himself as a witness of his intention and of his piety.

What voice, what lungs, what power of mine can adequately express the indignation due to this atrocity? The king Antiochus, who had lived for two years at Rome in the sight of all of us, with an almost royal retinue and establishment—though he had been the friend and ally of the Roman people; though his father, and his grandfather, and his ancestors, most ancient and honorable sovereigns, had been our firmest friends; though he himself is monarch of a most opulent and extensive kingdom, is turned headlong out of a province of the Roman people. How do you suppose that foreign nations will take this? How

do you suppose the news of this exploit of yours will be received in the dominions of other kings, and in the most distant countries of the world, when they hear that a king has been insulted by a prætor of the Roman people in his province? that a guest of the Roman people has been plundered? a friend and ally of the Roman people insultingly driven out? Know that your name and that of the Roman people will be an object of hatred and detestation to foreign nations. If this unheard-of insolence of Verres is to pass unpunished, all men will think, especially as the reputation of our men for avarice and covetousness has been very extensively spread, that this is not his crime only, but that of those who have approved of it. Many kings, many free cities many opulent and powerful private men, cherish intentions of ornamenting the Capitol in such a way as the dignity of the temple and the reputation of our empire requires. And if they understand that you show a proper indignation at this kingly present being intercepted, they will then think that their zeal and their presents will be acceptable to you and to the Roman people. But if they hear that you have been indifferent to the complaint of so great a king, in so remarkable a case, in one of such bitter injustice, they will not be so crazy as to spend their time, and labor, and expense on things which they do not think will be acceptable to you.

And in this place I appeal to you, O Quintus Catulus;[4] for I am speaking of your most honorable and most splendid monument. You ought to take upon yourself not only the severity of a judge with respect to this crime, but something like the vehemence of an enemy and an accuser. For, through the kindness of the Senate and people of Rome, your honor is connected with that temple. Your name is consecrated at the same time as that temple in the everlasting recollection of men. It is by you that this case is to be encountered; by you, that this labor is to be undergone, in order that the Capitol, as it has been restored more magnificently, may also be adorned more splendidly than it was originally; that then that fire may seem to have been sent from heaven not to destroy the temple of the great and good Jupiter, but to demand one for him more noble and more magnificent. You have heard Quintus Minucius Rufus

[4] The Capitol had been burned in the civil war between Marius and Sylla; and it was now being restored under the superintendence of Quintus Catulus, to whom that office had been intrusted by the Senate.

say that King Antiochus stayed at his house while at Syracuse; that he knew that this candelabrum had been taken to Verres's house; that he knew that it had not been returned. You heard, and you shall hear from the whole body of Roman settlers at Syracuse, that they will state to you that in their hearing it was dedicated and consecrated to the good and great Jupiter by King Aniochus. If you were not a judge, and this affair were reported to you, it would be your especial duty to follow it up; to reclaim the candelabrum, and to prosecute this cause. So that I do not doubt what ought to be your feelings as judge in this prosecution, when before anyone else as judge you ought to be a much more vehement advocate and accuser than I am.

And to you, O judges, what can appear more scandalous or more intolerable than this? Shall Verres have at his own house a candelabrum, made of jewels and gold, belonging to the great and good Jupiter? Shall that ornament be set out in his house at banquets which will be one scene of adultery and debauchery, with the brilliancy of which the temple of the great and good Jupiter ought to glow and to be lighted up? Shall the decorations of the Capitol be placed in the house of that most infamous debauchee with the other ornaments which he has inherited from Chelidon? What do you suppose will ever be considered sacred or holy by him, when he does not now think himself liable to punishment for such enormous wickedness? who dares to come into this court of justice, where he cannot, like all others who are arraigned, pray to the great and good Jupiter, and entreat help from him? from whom even the immortal gods are reclaiming their property, before that tribunal which was appointed for the benefit of men, that they might recover what had been extorted unjustly from them? Do we marvel that Minerva at Athens, Apollo at Delos, Juno at Samos, Diana at Perga, and that many other gods besides all over Asia and Greece, were plundered by him, when he could not keep his hands off the Capitol? That temple which private men are decorating and are intending to decorate out of their own riches, that Caius Verres would not suffer to be decorated by a king; and, accordingly, after he had once conceived this nefarious wickedness, he considered nothing in all Sicily afterward sacred or hallowed; and he behaved himself in his province for three years in such a manner that war was thought to have been de-

clared by him, not only against men, but also against the immortal gods.

Segesta is a very ancient town in Sicily, O judges, which its inhabitants assert was founded by Æneas when he was flying from Troy and coming to this country. And accordingly the Segestans think that they are connected with the Roman people, not only by a perpetual alliance and friendship, but even by some relationship. This town, as the state of the Segestans was at war with the Carthaginians on its own account and of its own accord, was formerly stormed and destroyed by the Carthaginians; and everything which could be any ornament to the city was transported from thence to Carthage. There was among the Segestans a statue of Diana, of brass, not only invested with the most sacred character, but also wrought with the most exquisite skill and beauty. When transferred to Carthage, it only changed its situation and its worshippers; it retained its former sanctity. For on account of its eminent beauty it seemed, even to their enemies, worthy of being most religiously worshipped. Some ages afterward, Publius Scipio took Carthage, in the third Punic War; after which victory (remark the virtue and carefulness of the man, so that you may both rejoice at your national examples of most eminent virtue, and may also judge the incredible audacity of Verres, worthy of the greater hatred by contrasting it with that virtue), he summoned all the Sicilians, because he knew that during a long period of time Sicily had repeatedly been ravaged by the Carthaginians, and bids them seek for all they had lost, and promises them to take the greatest pains to insure the restoration to the different cities of everything which had belonged to them. Then those things which had formerly been removed from Himera, and which I have mentioned before, were restored to the people of Thermæ; some things were restored to the Gelans, some to the Agrigentines; among which was that noble bull, which that most cruel of all tyrants, Phalaris, is said to have had, into which he was accustomed to put men for punishment, and to put fire under. And when Scipio restored that bull to the Agrigentines, he is reported to have said, that he thought it reasonable for them to consider whether it was more advantageous to the Sicilians to be subject to their own princes, or to be under the dominion of the Roman people, when they

had the same thing as a monument of the cruelty of their domestic masters, and of our liberality.

At that time the same Diana of which I am speaking is restored with the greatest care to the Segestans. It is taken back to Segesta; it is replaced in its ancient situation, to the greatest joy and delight of all the citizens. It was placed at Segesta on a very lofty pedestal, on which was cut in large letters the name of Publius Africanus; and a statement was also engraved that "he had restored it after having taken Carthage." It was worshipped by the citizens; it was visited by all strangers; when I was quæstor it was the very first thing they showed me. It was a very large and tall statue with a flowing robe, but in spite of its large size, it gave the idea of the age and dress of a virgin; her arrows hung from her shoulder, in her left hand she carried her bow, her right hand held a burning torch. When that enemy of all sacred things, that violator of all religious scruples saw it, he began to burn with covetousness and insanity, as if he himself had been struck with that torch. He commands the magistrates to take the statue down and give it to him; and declares to them that nothing can be more agreeable to him. But they said that it was impossible for them to do so; that they were prevented from doing so, not only by the most extreme religious reverence, but also by the greatest respect for their own laws and courts of justice. Then he began to entreat this favor of them, then to threaten them, then to try and excite their hopes, then to arouse their fears. They opposed to his demands the name of Africanus; they said that it was the gift of the Roman people; that they themselves had no right over a thing which a most illustrious general, having taken a city of the enemy, had chosen to stand there as a monument of the victory of the Roman people. As he did not relax in his demand, but urged it every day with daily increasing earnestness, the matter was brought before the Senate. His demand raises a violent outcry on all sides. And so at that time, and at his first arrival at Segesta, it is refused. Afterward, whatever burdens could be imposed on any city in respect of exacting sailors and rowers, or in levying corn, he imposed on the Segestans beyond all other cities, and a good deal more than they could bear. Besides that, he used to summon their magistrates before him; he used to send for all the most noble and most virtuous of the citi-

zens, to hurry them about with him to all the courts of justice in the province, to threaten every one of them separately to be the ruin of him, and to announce to them all in a body that he would utterly destroy their city. Therefore, at last, the Segestans, subdued by much ill treatment and by great fear, resolved to obey the command of the prætor. With great grief and lamentation on the part of the whole city, with many tears and wailings on the part of all the men and women, a contract is advertised for taking down the statue of Diana.

See now with what religious reverence it is regarded. Know, O judges, that among all the Segestans none was found, whether free man or slave, whether citizen or foreigner, to dare to touch that statue. Know that some barbarian workmen were brought from Lilybæum; they at length, ignorant of the whole business, and of the religious character of the image, agreed to take it down for a sum of money, and took it down. And when it was being taken out of the city, how great was the concourse of women! how great was the weeping of the old men! some of them even recollected that day when that same Diana being brought back to Segesta from Carthage, had announced to them, by its return, the victory of the Roman people. How different from that time did this day seem! then the general of the Roman people, a most illustrious man, was bringing back to the Segestans the gods of their fathers, recovered from an enemy's city; now a most base and profligate prætor of the same Roman people, was taking away, with the most nefarious wickedness, these very same gods from a city of his allies. What is more notorious throughout all Sicily than that all the matrons and virgins of Segesta came together when Diana was being taken out of their city? that they anointed her with precious unguents? that they crowned her with chaplets and flowers? that they attended her to the borders of their territory with frankincense and burning perfumes? If at the time you, by reason of your covetousness and audacity, did not, while in command, fear these religious feelings of the population, do you not fear them now, at a time of such peril to yourself and to your children? What man, against the will of the immortal gods, or what god, when you so trample on all the religious reverence due to them, do you think will come to your assistance? Has that Diana inspired you, while in quiet and at

leisure, with no religious awe—she, who though she had seen two cities, in which she was placed, stormed and burned, was yet twice preserved from the flames and weapons of two wars; she who, though she changed her situation owing to the victory of the Carthaginians, yet did not lose her holy character; and who, by the valor of Publius Africanus, afterward recovered her old worship, together with her old situation? And when this crime had been executed, as the pedestal was empty, and the name of Publius Africanus carved on it, the affair appeared scandalous and intolerable to everyone, that not only was religion trampled on, but also that Caius Verres had taken away the glory of the exploits, the memorial of the virtues, the monument of the victory of Publius Africanus, that most gallant of men. But when he was told afterward of the pedestal and the inscription, he thought that men would forget the whole affair, if he took away the pedestal too, which was serving as a sort of sign-post to point out his crime. And so, by his command, the Segestans contracted to take away the pedestal too; and the terms of that contract were read to you from the public registers of the Segestans, at the former pleading.

Now, O Publius Scipio, I appeal to you; to you, I say, a most virtuous and accomplished youth; from you I request and demand that assistance which is due to your family and to your name. Why do you take the part of that man who has embezzled the credit and honor of your family? Why do you wish him to be defended? Why am I undertaking what is properly your business? Why am I supporting a burden which ought to fall on you?—Marcus Tullius is reclaiming the monuments of Publius Africanus; Publius Scipio is defending the man who took them away. Though it is a principle handed down to us from our ancestors, for everyone to defend the monuments of his ancestors, in such a way as not even to allow them to be decorated by one of another name, will you take the part of that man who is not charged merely with having in some degree spoiled the view of the monuments of Publius Scipio, but who has entirely removed and destroyed them? Who, then, in the name of the immortal gods, will defend the memory of Publius Scipio now that he is dead? who will defend the memorials and evidences of his valor, if you desert and abandon them; and not only allow them to be plundered and taken away, but even de-

fend their plunderer and destroyer? The Segestans are present, your clients, the allies and friends of the Roman people. They inform you that Publius Africanus, when he had destroyed Carthage, restored the image of Diana to their ancestors; and that was set up among the Segestans and dedicated in the name of that general; that Verres has had it taken down and carried away, and as far as that is concerned, has utterly effaced and extinguished the name of Publius Scipio. They entreat and pray you to restore the object of their worship to them, its proper credit and glory to your own family, so enabling them by your assistance to recover from the house of a robber, what they recovered from the city of their enemies by the beneficence of Publius Africanus.

What can you reply to them with honor, or what can they do but implore the aid of you and your good faith? They are present, they do implore it. You, O Publius, can protect the honor of your family renown; you can, you have every advantage which either fortune or nature ever gives to men. I do not wish to anticipate you in gathering the fruit that belongs to you; I am not covetous of the glory which ought to belong to another. It does not correspond to the modesty of my disposition, while Publius Scipio, a most promising young man, is alive and well, to put myself forward as the defender and advocate of the memorials of Publius Scipio. Wherefore, if you will undertake the advocacy of your family renown, it will behoove me not only to be silent about your monuments, but even to be glad that the fortune of Publius Africanus, though dead, is such, that his honor is defended by those who are of the same family as himself, and that it requires no adventitious assistance. But if your friendship with that man is an obstacle to you—if you think that this thing which I demand of you is not so intimately connected with your duty—then I, as your *locum tenens*, will succeed to your office, I will undertake that business which I have thought not to belong to me. Let that proud aristocracy give up complaining that the Roman people willingly gives, and at all times has given, honors to new and diligent men. It is a foolish complaint that virtue should be of the greatest influence in that city which by its virtue governs all nations. Let the image of Publius Africanus be in the houses of other men; let heroes now dead be adorned with virtue and

glory. He was such a man, he deserved so well of the Roman people, that he deserves to be recommended to the affection, not of one single family, but of the whole state. And so it partly does belong to me also to defend his honors with all my power, because I belong to that city which he rendered great, and illustrious, and renowned; and especially, because I practise, to the utmost of my power, those virtues in which he was pre-eminent—equity, industry, temperance, the protection of the unhappy, and hatred of the dishonest; a relationship in pursuits and habits which is almost as important as that of which you boast, the relationship of name and family.

I reclaim from you, O Verres, the monument of Publius Africanus; I abandon the cause of the Sicilians, which I undertook; let there be no trial of you for extortion at present; never mind the injuries of the Segestans; let the pedestal of Publius Africanus be restored; let the name of that invincible commander be engraved on it anew; let that most beautiful statue, which was recovered when Carthage was taken, be replaced. It is not I, the defender of the Sicilians—it is not I, your prosecutor—they are not the Segestans who demand this of you; but he who has taken on himself the defence and the preservation of the renown and glory of Publius Africanus. I am not afraid of not being able to give a good account of my performance of this duty to Publius Servilius the judge; who, as he has performed great exploits, and raised very many monuments of his good deeds, and has a natural anxiety about them, will be glad, forsooth, to leave them an object of care and protection not only to his own posterity, but to all brave men and good citizens; and not as a mark for the plunder of rogues. I am not afraid of its displeasing you, O Quintus Catulus, to whom the most superb and splendid monument in the whole world belongs, that there should be as many guardians of such monuments as possible, or that all good men should think it was a part of their duty to defend the glory of another. And indeed I am so far moved by the other robberies and atrocities of that fellow, as to think them worthy of great reproof; but that might be sufficient for them. But in this instance I am roused to such indignation, that nothing appears to me possible to be more scandalous or more intolerable. Shall Verres adorn his house, full of adultery, full of debauchery, full of infamy, with the mon-

uments of Africanus? Shall Verres place the memorial of that most temperate and religious man, the image of the ever virgin Diana, in that house in which the iniquities of harlots and pimps are incessantly being practised?

But is this the only monument of Africanus which you have violated? What! did you take away from the people of Tyndaris an image of Mercury most beautifully made, and placed there by the beneficence of the same Scipio? And how? O ye immortal gods! How audaciously, how infamously, how shamelessly did you do so! You have lately, O judges, heard the deputies from Tyndaris, most honorable men, and the chief men of that city, say that the Mercury, which in their sacred anniversaries was worshipped among them with the extremest religious reverence, which Publius Africanus, after he had taken Carthage, had given to the Tyndaritans, not only as a monument of his victory, but as a memorial and evidence of their loyalty to and alliance with the Roman people, had been taken away by the violence, and wickedness, and arbitrary power of this man; who, when he first came to their city, in a moment, as if it were not only a becoming, but an indispensable thing to be done—as if the Senate had ordered it and the Roman people had sanctioned it—in a moment, I say, ordered them to take the statue down and to transport it to Messana. And as this appeared a scandalous thing to those who were present and who heard it, it was not persevered in by him during the first period of his visit; but when he departed, he ordered Sopater, their chief magistrate, whose statement you have heard, to take it down. When he refused, he threatened him violently; and then he left the city. The magistrate refers the matter to the Senate; there is a violent outcry on all sides. To make my story short, some time afterward he comes to that city again. Immediately he asks about the statue. He is answered that the Senate will not allow it to be removed; that capital punishment is threatened to anyone who should touch it without the orders of the Senate; the impiety of removing is also urged. Then says he, "What do you mean by talking to me of impiety? or about punishment? or about the Senate? I will not leave you alive; you shall be scourged to death if the statue is not given up." Sopater with tears reports the matter to the Senate a second time, and relates to them the covetousness and the threats of

Verres. The Senate gives Sopater no answer, but breaks up in agitation and perplexity. Sopater, being summoned by the prætor's messenger, informs him of the state of the case, and says that it is absolutely impossible.

And all these things (for I do not think that I ought to omit any particular of his impudence) were done openly in the middle of the assembly, while Verres was sitting on his chair of office, in a lofty situation. It was the depth of winter; the weather, as you heard Sopater himself state, was bitterly cold; heavy rain was falling; when that fellow orders the lictors to throw Sopater headlong down from the portico on which he himself was sitting, and to strip him naked. The command was scarcely out of his mouth, before you might have seen him stripped and surrounded by the lictors. All thought that the unhappy and innocent man was going to be scourged. They were mistaken. Do you think that Verres would scourge without any reason an ally and friend of the Roman people? He is not so wicked. All vices are not to be found in that man; he was never cruel. He treated the man with great gentleness and clemency. In the middle of the forum there are some statues of the Marcelli, as there are in most of the other towns of Sicily; out of these he selected the statue of Caius Marcellus, whose services to that city and to the whole province were most recent and most important. On that statue he orders Sopater, a man of noble birth in his city, and at that very time invested with the chief magistracy, to be placed astride and bound to it. What torture he suffered when he was bound naked in the open air, in the rain and in the cold, must be manifest to everybody. Nor did he put an end to this insult and barbarity, till the people and the whole multitude, moved by the atrocity of his conduct and by pity for his victim, compelled the Senate by their outcries to promise him that statue of Mercury. They cried out that the immortal gods themselves would avenge the act, and that in the mean time it was not fit that an innocent man should be murdered. Then the Senate comes to him in a body, and promises him the statue. And so Sopater is taken down scarcely alive from the statue of Marcellus, to which he had almost become frozen. I cannot adequately accuse that man if I were to wish to do so; it requires not only genius, but an extraordinary amount of skill.

This appears to be a single crime, this of the Tyndaritan Mercury, and it is brought forward by me as a single one; but there are many crimes contained in it—only I do not know how to separate and distinguish them. It is a case of money extorted, for he took away from the allies a statue worth a large sum of money. It is a case of embezzlement, because he did not hesitate to appropriate a public statue belonging to the Roman people, taken from the spoils of the enemy, placed where it was in the name of our general. It is a case of treason, because he dared to overturn and to carry away monuments of our empire, of our glory, and of our exploits. It is a case of impiety, because he violated the most solemn principles of religion. It is a case of inhumanity, because he invented a new and extraordinary description of punishment for an innocent man, an ally and friend of our nation. But what the other crime is, that I am unable to say; I know not by what name to call the crime which he committed with respect to the statue of Caius Marcellus. What is the meaning of it? Is it because he was the patron of the Sicilians? What then? What has that to do with it? Ought that fact to have had influence to procure assistance, or to bring disaster on his clients and friends? Was it your object to show that patrons were no protection against your violence? Who is there who would not be aware that there is greater power in the authority of a bad man who is present, than the protection of good men who are absent? Or do you merely wish to prove by this conduct, your unprecedented insolence, and pride, and obstinacy? You thought, I imagine, that you were taking something from the dignity of the Marcelli? And therefore now the Marcelli are not the patrons of the Sicilians. Verres has been substituted in their place. What virtue or what dignity did you think existed in you, that you should attempt to transfer to yourself, and to take away from these most trusty and most ancient patrons, so illustrious a body of clients as that splendid province? Can you, with your stupidity, and worthlessness, and laziness defend the cause, I will not say of all Sicily, but even of one, the very meanest of the Sicilians? Was the statue of Marcellus to serve you for a pillory for the clients of the Marcelli? Did you, out of his honor, seek for punishments of those very men who had held him in honor? What followed? What did you think would happen to your

statues? was it that which did happen? For the people of Tyndaris threw down the statue of Verres, which he had ordered to be erected in his own honor near the Marcelli, and even on a higher pedestal, the very moment that they heard that a successor had been appointed to him.

The fortune of the Sicilians has then given you Caius Marcellus for a judge, so that we may now surrender you, fettered and bound, to appease the injured sanctity of him to whose statue Sicilians were bound while you were prætor. And in the first place, O judges, that man said that the people of Tyndaris had sold his statue to Caius Marcellus Æserninus, who is here present. And he hoped that Caius Marcellus himself would assert thus much for his sake, though it never seemed to me to be very likely that a young man born in that rank, the patron of Sicily, would lend his name to that fellow to enable him to transfer his guilt to another. But still I made such provision, and took such precaution against every possible bearing of the case, that if anyone had been found who was ever so anxious to take the guilt and crime of Verres upon himself, still he would not have taken anything by his motion, for I brought down to court such witnesses, and I had with me such written documents, that it could not have been possible to have entertained a doubt about that man's actions. There are public documents to prove that that Mercury was transported to Messana at the expense of the state. They state at what expense; and that a man named Poleas was ordered by the public authority to superintend the business—what more would you have? Where is he? He is close at hand, he is a witness, by the command of Sopater the proagorus. Who is he? The man who was bound to the statue. What! where is he? He is a witness—you have seen the man, and you have heard his statement. Demetrius, the master of the gymnastic school, superintended the pulling down of the statue, because he was appointed to manage that business. What? is it we who say this? No, he is present himself; moreover, that Verres himself lately promised at Rome, that he would restore that statue to the deputies, if the evidence already given in the affair were removed, and if security were given that the Tyndaritans would not give evidence against him, has been stated before you by Zosippus and Hismenias, most noble men, and the chief men of the city of Tyndaris.

What? did you not also at Agrigentum take away a monument of the same Publius Scipio, a most beautiful statue of Apollo, on whose thigh there was the name of Myron, inscribed in diminutive silver letters, out of that most holy temple of Æsculapius? And when, O judges, he had privily committed that atrocity, and when in that most nefarious crime and robbery he had employed some of the most worthless men of the city as his guides and assistants, the whole city was greatly excited. For the Agrigentines were regretting at the same time the kindness of Africanus, and a national object of their worship, and an ornament of their city, and a record of their victory, and an evidence of their alliance with us. And therefore a command is imposed on those men who were the chief men of the city, and a charge is given to the quæstors and ædiles to keep watch by night over the sacred edifices. And, indeed, at Agrigentum (I imagine, on account of the great number and virtue of these men, and because great numbers of Roman citizens, gallant and intrepid and honorable men, live and trade in that town among the Agrigentines in the greatest harmony) he did not dare openly to carry off, or even to beg for the things that took his fancy. There is a temple of Hercules at Agrigentum, not far from the forum, considered very holy and greatly reverenced among the citizens. In it there is a brazen image of Hercules himself, than which I cannot easily tell where I have seen anything finer (although I am not very much of a judge of those matters, though I have seen plenty of specimens); so greatly venerated among them, O judges, that his mouth and his chin are a little worn away, because men in addressing their prayers and congratulations to him, are accustomed not only to worship the statue, but even to kiss it. While Verres was at Agrigentum, on a sudden, one stormy night, a great assemblage of armed slaves, and a great attack on this temple by them, takes place, under the leading Timarchides. A cry is raised by the watchmen and guardians of the temple. And, at first, when they attempted to resist them and to defend the temple, they are driven back much injured with sticks and bludgeons. Afterward, when the bolts were forced open, and the doors dashed in, they endeavor to pull down the statue and to overthrow it with levers; meantime, from the outcries of the keepers, a report got abroad over the whole city, that the national gods were being stormed, not by the

unexpected invasion of enemies, or by the sudden irruption of pirates, but that a well-armed and fully-equipped band of fugitive slaves from the house and retinue of the prætor had attacked them. No one in Agrigentum was either so advanced in age, or so infirm in strength, as not to rise up on that night, awakened by that news, and to seize whatever weapon chance put into his hands. So in a very short time men are assembled at the temple from every part of the city. Already, for more than an hour, numbers of men had been laboring at pulling down that statue; and all that time it gave no sign of being shaken in any part; while some, putting levers under it, were endeavoring to throw it down, and others, having bound cords to all its limbs, were trying to pull it toward them. On a sudden all the Agrigentines collect together at the place; stones are thrown in numbers; the nocturnal soldiers of that illustrious commander run away—but they take with them two very small statues, in order not to return to that robber of all holy things entirely empty-handed. The Sicilians are never in such distress as not to be able to say something facetious and neat; as they did on this occasion. And so they said that this enormous boar had a right to be accounted one of the labors of Hercules, no less than the other boar of Erymanthus.

The people of Assorum, gallant and loyal men, afterward imitated this brave conduct of the Agrigentines, though they did not come of so powerful or so distinguished a city. There is a river called Chrysas, which flows through the territories of Assorum. Chrysas, among that people, is considered a god, and is worshipped with the greatest reverence. His temple is in the fields, near the road which goes from Assorum to Enna. In it there is an image of Chrysas, exquisitely made of marble. He did not dare to beg that of the Assorians on account of the extraordinary sanctity of that temple; so he intrusts the business to Tlepolemus and Hiero. They, having prepared and armed a body of men, come by night; they break in the doors of the temple; the keepers of the temple and the guardians hear them in time. A trumpet, the signal of alarm well known to all the neighborhood, is sounded; men come in from the country. Tlepolemus is turned out and put to flight; nor was anything missed out of the temple of Chrysas except one very diminutive image of brass. There is a temple of the mighty mother Cybele at Enguinum, for

I must now not only mention each instance with the greatest brevity, but I must even pass over a great many, in order to come to the greater and more remarkable thefts and atrocities of this sort which this man has committed. In this temple that same Publius Scipio, a man excelling in every possible good quality, had placed breast-plates and helmets of brass of Corinthian workmanship, and some huge ewers of a similar description, and wrought with the same exquisite skill, and had inscribed his own name upon them. Why should I make any more statements or utter any farther complaints about that man's conduct? He took away, O judges, every one of those things. He left nothing in that most holy temple except the traces of the religion he had trampled on, and the name of Publius Scipio. The spoils won from the enemy, the memorials of our commanders, the ornaments and decorations of our temples, will hereafter, when these illustrious names are lost, be reckoned in the furniture and appointments of Caius Verres. Are you, forsooth, the only man who delights in Corinthian vases? Are you the best judge in the world of the mixture of that celebrated bronze, and of the delicate tracery of that work? Did not the great Scipio, that most learned and accomplished man, understand it too? But do you, a man without one single virtue, without education, without natural ability, and without any information, understand them and value them? Beware lest he be seen to have surpassed you and those other men who wished to be thought so elegant, not only in temperance, but in judgment and taste; for it was because he thoroughly understood how beautiful they were, that he thought that they were made not for the luxury of men, but for the ornamenting of temples and cities, in order that they might appear to our posterity to be holy and sacred monuments.

Listen, also, O judges, to the man's singular covetousness, audacity and madness, especially in polluting those sacred things, which not only may not be touched with the hands, but which may not be violated even in thought. There is a shrine of Ceres among the Catenans of the same holy nature as the one at Rome, and worshipped as the goddess is worshipped among foreign nations, and in almost every country in the world. In the inmost part of that shrine there was an extremely ancient statue of Ceres, as to which men were not only ignorant of what

sort it was, but even of its existence. For the entrance into that shrine does not belong to men, the sacred ceremonies are accustomed to be performed by women and virgins. Verres's slaves stole this statue by night out of that most holy and most ancient temple. The next day the priestesses of Ceres, and the female attendants of that temple, women of great age, noble, and of proved virtue, report the affair to their magistrates. It appeared to all a most bitter, and scandalous, and miserable business. Then that man, influenced by the atrocity of the action, in order that all suspicion of that crime might be removed from himself, employs someone connected with him by ties of hospitality to find a man that he might accuse of having done it, and bids him take care that he be convicted of the accusation, so that he himself might not be subject to the charge. The matter is not delayed. For when he had departed from Catana, an information is laid against a certain slave. He is accused; false witnesses are suborned against him; the whole Senate sits in judgment on the affair, according to the laws of the Catanans. The priestesses are summoned; they are examined secretly in the senate-house, and asked what had been done, and how they thought that the statue had been carried off. They answered that the servants of the prætor had been seen in the temple. The matter, which previously had not been very obscure, began to be clear enough by the evidence of the priestesses. The judges deliberate; the innocent slave is acquitted by every vote, in order that you may the more easily be able to condemn this man by all your votes. For what is it that you ask, O Verres? What do you hope for? What do you expect? What god or man do you think will come to your assistance? Did you send slaves to that place to plunder a temple, where it was not lawful for free citizens to go, not even for the purpose of praying? Did you not hesitate to lay violent hands on those things from which the laws of religion enjoined you to keep even your eyes? Although it was not even because you were charmed by the eye that you were led into this wicked and nefarious conduct; for you coveted what you had never seen. You took a violent fancy, I say, to that which you had not previously beheld. From your ears did you conceive this covetousness, so violent that no fear, no religious scruple, no power of the gods, no regard for the opinion of men could restrain it. Oh! but you had heard of it, I suppose, from some

good man, from some good authority. How could you have done that, when you could never have heard of it from any man at all? You heard of it, therefore, from a woman; since men could not have seen it, nor known of it. What sort of woman do you think that she must have been, O judges? What a modest woman must she have been to converse with Verres! What a pious woman, to show him a plan for robbing a temple! But it is no great wonder if those sacred ceremonies which are performed by the most extreme chastity of virgins and matrons were violated by his adultery and profligacy.

What, then, are we to think? Is this the only thing that he began to desire from mere hearing, when he had never seen it himself? No, there were many other things besides; of which I will select the plundering of that most noble and ancient temple, concerning which you heard witnesses give their evidence at the former pleading. Now, I beseech you, listen to the same story once more, and attend carefully as you hitherto have done. There is an island called Melita, O judges, separated from Sicily by a sufficiently wide and perilous navigation, in which there is a town of the same name, to which Verres never went, though it was for three years a manufactory to him for weaving women's garments. Not far from that town, on a promontory, is an ancient temple of Juno, which was always considered so holy, that it was not only always kept inviolate and sacred in those Punic Wars, which in those regions were carried on almost wholly by the naval forces, but even by the bands of pirates which ravage those seas. Moreover, it has been handed down to us by tradition, that once, when the fleet of King Masinissa was forced to put into these ports, the king's lieutenant took away some ivory teeth of an incredible size out of the temple, and carried them into Africa, and gave them to Masinissa; that at first the king was delighted with the present, but afterward, when he heard where they had come from, he immediately sent trustworthy men in a quinquereme to take those teeth back; and that there was engraved on them in Punic characters, "that Masinissa the king had accepted them ignorantly; but that, when he knew the truth, he had taken care that they should be replaced and restored." There was besides an immense quantity of ivory, and many ornaments, among which were some ivory Victories of ancient workmanship, and wrought with exquisite skill. Not

to dwell too long on this, he took care to have all these things taken down and carried off at one swoop by means of the slaves of the Venus whom he had sent thither for that purpose.

O ye immortal gods! what sort of man is it that I am accusing? Whom is it that I am prosecuting according to our laws, and by this regular process? Concerning whom is it that you are going to give your judicial decision? The deputies from Melita sent by the public authority of their state, say that the shrine of Juno was plundered; that that man left nothing in that most holy temple; that that place, to which the fleets of enemies often came, where pirates are accustomed to winter almost every year, and which no pirate ever violated, no enemy ever attacked before, was so plundered by that single man, that nothing whatever was left in it. What, then, now are we to say of him as a defendant, of me as an accuser, of this tribunal? Is he proved guilty of grave crimes, or is he brought into this court on mere suspicion? Gods are proved to have been carried off, temples to have been plundered, cities to have been stripped of everything. And of those actions he has left himself no power of denying one, no plea for defending one. In every particular he is convicted by me; he is detected by the witnesses; he is overwhelmed by his own admissions; he is caught in the evident commission of guilt; and even now he remains here, and in silence recognizes his own crimes as I enumerate them.

I seem to myself to have been too long occupied with one class of crime. I am aware, O judges, that I have to encounter the weariness of your ears and eyes at such a repetition of similar cases; I will, therefore, pass over many instances. But I entreat you, O judges, in the name of the immortal gods, in the name of these very gods of whose honor and worship we have been so long speaking, refresh your minds so as to attend to what I am about to mention, while I bring forward and detail to you that crime of his by which the whole province was roused, and in speaking of which you will pardon me if I appear to go back rather far, and trace the earliest recollections of the religious observances in question. The importance of the affair will not allow me to pass over the atrocity of his guilt with brevity.

It is an old opinion, O judges, which can be proved from the most ancient records and monuments of the Greeks, that the

whole island of Sicily was consecrated to Ceres and Libera. Not only did all other nations think so, but the Sicilians themselves were so convinced of it, that it appeared a deeply-rooted and innate belief in their minds. For they believe that these goddesses were born in these districts, and that corn was first discovered in this land, and that Libera was carried off, the same goddess whom they call Proserpine, from a grove in the territory of Enna, a place which, because it is situated in the centre of the island, is called the navel of Sicily. And when Ceres wished to seek her and trace her out, she is said to have lit her torches at those flames which burst out at the summit of Ætna, and carrying these torches before her, to have wandered over the whole earth. But Enna, where those things which I am speaking of are said to have been done, is in a high and lofty situation, on the top of which is a large level plain, and springs of water which are never dry. And the whole of the plain is cut off and separated, so as to be difficult of approach. Around it are many lakes and groves, and beautiful flowers at every season of the year; so that the place itself appears to testify to that abduction of the virgin which we have heard of from our boyhood.[5] Near it is a cave turned toward the north, of unfathomable depth, where they say that Father Pluto suddenly rose out of the earth in his chariot, and carried the virgin off from that spot, and that on a sudden, at no great distance from Syracuse, he went down beneath the earth, and that immediately a lake sprang up in that place; and there to this day the Syracusans celebrate anniversary festivals with a most numerous assemblage of both sexes.

On account of the antiquity of this belief, because in those places the traces and almost the cradles of those gods are found, the worship of Ceres of Enna prevails to a wonderful extent, both in private and in public over all Sicily. In truth, many prodigies often attest her influence and divine powers. Her present help is often brought to many in critical circumstances, so that this island appears not only to be loved, but also to be watched over and protected by her. Nor is it the Sicilians only, but even all other tribes and nations greatly worship Ceres of Enna. In truth, if initiation into those sacred mysteries of the Athenians is sought for with the greatest avidity, to which peo-

[5] We have the same advantage as, or rather greater advantages than Cicero in this respect; for we have heard the story from our boyhood told far more beautifully than any Sicilian ever imagined it. See Ovid. Fasti, iv. 419.

ple Ceres is said to have come in that long wandering of hers, and then she brought them corn, how much greater reverence ought to be paid to her by those people among whom it is certain that she was born, and first discovered corn. And, therefore, in the time of our fathers, at a most disastrous and critical time to the republic, when, after the death of Tiberius Gracchus, there was a fear that great dangers were portended to the state by various prodigies, in the consulship of Publius Mucius and Lucius Calpurnius, recourse was had to the Sibylline books, in which it was found set down, " that the most ancient Ceres ought to be appeased." Then, priests of the Roman people, selected from the most honorable college of decemvirs, although there was in our own city a most beautiful and magnificent temple of Ceres, nevertheless went as far as Enna. For such was the authority and antiquity of the reputation for holiness of that place, that when they went thither, they seemed to be going not to a temple of Ceres, but to Ceres herself. I will not din this into your ears any longer. I have been some time afraid that my speech may appear unlike the usual fashion of speeches at trials, unlike the daily method of speaking. This I say, that this very Ceres, the most ancient, the most holy, the very chief of all sacred things which are honored by every people, and in every nation, was carried off by Caius Verres from her temple and her home. Ye who have been to Enna, have seen a statue of Ceres made of marble, and in the other temple a statue of Libera. They are very colossal and very beautiful, but not exceedingly ancient. There was one of brass, of moderate size, but extraordinary workmanship, with the torches in its hands, very ancient, by far the most ancient of all those statues which are in that temple; that he carried off, and yet he was not content with that. Before the temple of Ceres, in an open and an uncovered place, there are two statues, one of Ceres, the other of Triptolemus, very beautiful, and of colossal size. Their beauty was their danger, but their size their safety; because the taking of them down and carrying them off appeared very difficult. But in the right hand of Ceres there stood a beautifully-wrought image of Victory; and this he had wrenched out of the hand of Ceres and carried off.

What now must be his feelings at the recollection of his crimes, when I, at the mere enumeration of them, am not only

roused to indignation in my mind, but even shudder over my whole body? For thoughts of that temple, of that place, of that holy religion come into my mind. Everything seems present before my eyes—the day on which, when I had arrived at Enna, the priests of Ceres came to meet me with garlands of vervain, and with fillets; the concourse of citizens, among whom, while I was addressing them, there was such weeping and groaning that the most bitter grief seemed to have taken possession of the whole. They did not complain of the absolute way in which the tenths were levied, nor of the plunder of property, nor of the iniquity of tribunals, nor of that man's unhallowed lusts, nor of his violence, nor of the insults by which they had been oppressed and overwhelmed. It was the divinity of Ceres, the antiquity of their sacred observances, the holy veneration due to their temple, which they wished should have atonement made to them by the punishment of that most atrocious and audacious man. They said that they could endure everything else; that to everything else they were indifferent. This indignation of theirs was so great, that you might suppose that Verres, like another king of hell, had come to Enna and had carried off, not Proserpine, but Ceres herself. And, in truth, that city does not appear to be a city, but a shrine of Ceres. The people of Enna think that Ceres dwells among them; so that they appear to me not to be citizens of that city, but to be all priests, to be all ministers and officers of Ceres. Did you dare to take away out of Enna the statue of Ceres? Did you attempt at Enna to wrench Victory out of the hand of Ceres? to tear one goddess from the other?—nothing of which those men dared to violate, or even to touch, whose qualities were all more akin to wickedness than to religion. For while Publius Popillius and Publius Rupilius were consuls, slaves, runaway slaves, and barbarians, and enemies, were in possession of that place; but yet the slaves were not so much slaves to their own masters, as you are to your passions; nor did the runaways flee from their masters as far as you flee from all laws and from all right; nor were the barbarians as barbarous in language and in race as you are in your nature and your habits; nor were the enemies as much enemies to men as you are to the immortal gods. How, then, can a man beg for any mercy who has surpassed slaves in baseness, runaway slaves in rashness, barbarians in wickedness, and enemies in inhumanity?

You heard Theodorus and Numinius and Nicasio, deputies from Enna, say, in the name of their state, that they had this commission from their fellow-citizens, to go to Verres, and to demand from him the restoration of the statues of Ceres and of Victory. And if they obtained it, then they were to adhere to the ancient customs of the state of Enna, not to give any public testimony against him, although he had oppressed Sicily, since these were the principles which they had received from their ancestors. But if he did not restore them, then they were to go before the tribunal, to inform the judges of the injuries they had received, but, far above all things, to complain of the insults to their religion. And, in the name of the immortal gods, I entreat you, O judges, do not you despise, do not you scorn or think lightly of their complaints. The injuries done to our allies are the present question; the authority of the laws is at stake; the reputation and the honesty of our courts of justice is at stake. And though all these are great considerations, yet this is the greatest of all—the whole province is so imbued with religious feeling, such a superstitious dread arising out of that man's conduct has seized upon the minds of all the Sicilians, that whatever public or private misfortunes happen, appear to befall them because of that man's wickedness. You have heard the Centuripans, the Agyrians, the Catenans, the Herbitans, the Ennans, and many other deputies say, in the name of their states, how great was the solitude in their districts, how great the devastation, how universal the flight of the cultivators of the soil; how deserted, how uncultivated, how desolate every place was. And although there are many and various injuries done by that man to which these things are owing, still this one cause, in the opinion of the Sicilians, is the most weighty of all; for, because of the insults offered to Ceres, they believe that all the crops and gifts of Ceres have perished in these districts. Bring remedies, O judges, to the insulted religion of the allies; preserve your own, for this is not a foreign religion, nor one with which you have no concern. But even if it were, if you were unwilling to adopt it yourselves, still you ought to be willing to inflict heavy punishment on the man who violated it. But now that the common religion of all nations is attacked in this way, now that these sacred observances are violated which our ancestors adopted and imported from foreign countries, and have honored ever since—

sacred observances, which they called Greek observances, as in truth they were—even if we were to wish to be indifferent and cold about these matters, how could we be so?

I will mention the sacking of one city, also, and that the most beautiful and highly decorated of all, the city of Syracuse. And I will produce my proofs of that, O judges, in order at length to conclude and bring to an end the whole history of offences of this sort. There is scarcely any one of you who has not often heard how Syracuse was taken by Marcus Marcellus, and who has not sometimes also read the account in our annals. Compare this peace with that war; the visit of this prætor with the victory of that general; the debauched retinue of the one with the invincible army of the other; the lust of Verres with the continence of Marcellus; and you will say that Syracuse was built by the man who took it; was taken by the man who received it well established and flourishing. And for the present I omit those things which will be mentioned, and have been already mentioned by me in an irregular manner in different parts of my speech—that the market-place of the Syracusans, which at the entrance of Marcellus was preserved unpolluted by slaughter, on the arrival of Verres overflowed with the blood of innocent Sicilians; that the harbor of the Syracusans, which at that time was shut against both our fleets and those of the Carthaginians, was, while Verres was prætor, open to Cilician pirates, or even to a single piratical galley. I say nothing of the violence offered to people of noble birth, of the ravishment of matrons, atrocities which then, when the city was taken, were not committed, neither through the hatred of enemies, nor through military license, nor through the customs of war or the rights of victory. I pass over, I say, all these things which were done by that man for three whole years. Listen rather to acts which are connected with those matters of which I have hitherto been speaking. You have often heard that the city of Syracuse is the greatest of the Greek cities, and the most beautiful of all. It is so, O judges, as it is said to be; for it is so by its situation, which is strongly fortified, and which is on every side by which you can approach it, whether by sea or land, very beautiful to behold. And it has harbors almost enclosed within the walls, and in the sight of the whole city; harbors which have different entrances, but which meet together, and are connected at the other end.

By their union a part of the town, which is called the island, being separated from the rest by a narrow arm of the sea, is again joined to and connected with the other by a bridge.

That city is so great that it may be said to consist of four cities of the largest size; one of which, as I have said, is that "Island," which, surrounded by two harbors, projects out toward the mouth and entrance of each. In it there is a palace which did belong to king Hiero, which our prætors are in the habit of using; in it are many sacred buildings, but two, which have a great pre-eminence over all the others, one a temple of Diana, and the other one, which before the arrival of that man was the most ornamented of all, sacred to Minerva. At the end of this island is a fountain of sweet water, the name of which is Arethusa, of incredible size, very full of fish, which would be entirely overwhelmed by the waves of the sea, if it were not protected from the sea by a rampart and dam of stone. There is also another city at Syracuse, the name of which is Achradina, in which there is a very large forum, most beautiful porticoes, a highly decorated town-hall, a most spacious senate-house, and a superb temple of Jupiter Olympius; and the other districts of the city are joined together by one broad unbroken street, and divided by many cross-streets, and by private houses. There is a third city, which, because in that district there is an ancient temple of Fortune, is called Tyche, in which there is a spacious gymnasium, and many sacred buildings, and that district is the most frequented and the most populous. There is also a fourth city, which, because it is the last built, is called Neapolis,[6] in the highest part of which there is a very large theatre, and, besides that, there are two temples of great beauty, one of Ceres, the other of Libera, and a statue of Apollo, which is called Temenites, very beautiful and of colossal size; which, if he could have moved them, he would not have hesitated to carry off.

Now I will return to Marcellus, that I may not appear to have entered into this statement without any reason. He, when with his powerful army he had taken this splendid city, did not think it for the credit of the Roman people to destroy and extinguish this splendor, especially as no danger could possibly arise from

[6] Neapolis meaning "new city," or as we might say, Newtown, from the Greek words Νέα πόλις, as Tyche is the Greek name of Fortune— Τύχη. Compare with this passage the description of Syracuse given by Thucydides in his sixth and seventh books.

it, and therefore he spared all the buildings, public as well as private, sacred as well as ordinary, as if he had come with his army for the purpose of defending them, not of taking them by storm. With respect to the decorations of the city, he had a regard to his own victory, and a regard to humanity; he thought it was due to his victory to transport many things to Rome which might be an ornament to this city, and due to humanity not utterly to strip the city, especially as it was one which he was anxious to preserve. In this division of the ornaments, the victory of Marcellus did not covet more for the Roman people than his humanity reserved to the Syracusans. The things which were transported to Rome we see before the temples of Honor and of Virtue, and also in other places. He put nothing in his own house, nothing in his gardens, nothing in his suburban villa; he thought that his house could only be an ornament to the city if he abstained from carrying the ornaments which belonged to the city to his own house. But he left many things of extraordinary beauty at Syracuse; he violated not the respect due to any god; he laid hands on none. Compare Verres with him; not to compare the man with the man—no such injury must be done to such a man as that, dead though he be; but to compare a state of peace with one of war, a state of law and order, and regular jurisdiction, with one of violence and martial law, and the supremacy of arms; to compare the arrival and retinue of the one with the victory and army of the other.

There is a temple of Minerva in the island, of which I have already spoken, which Marcellus did not touch, which he left full of its treasures and ornaments, but which was so stripped and plundered by Verres, that it seems to have been in the hands, not of an enemy—for enemies, even in war, respect the rights of religion, and the customs of the country—but of some barbarian pirates. There was a cavalry battle of their king Agathocles, exquisitely painted in a series of pictures, and with these pictures the inside walls of the temple were covered. Nothing could be more noble than those paintings; there was nothing at Syracuse that was thought more worthy going to see. These pictures, Marcus Marcellus, though by that victory of his he had divested everything of its sacred inviolability of character, still, out of respect for religion, never touched; Verres, though, in consequence of the long peace, and the loyalty of the Syracusan peo-

ple, he had received them as sacred and under the protection of religion, took away all those pictures, and left naked and unsightly those walls whose decorations had remained inviolate for so many ages, and had escaped so many wars: Marcellus, who had vowed that if he took Syracuse he would erect two temples at Rome, was unwilling to adorn the temple which he was going to build with these treasures which were his by right of capture; Verres, who was bound by no vows to Honor or Virtue, as Marcellus was, but only to Venus and to Cupid, attempted to plunder the temple of Minerva. The one was unwilling to adorn gods in the spoil taken from gods, the other transferred the decorations of the virgin Minerva to the house of a prostitute. Besides this, he took away out of the same temple twenty-seven more pictures beautifully painted; among which were likenesses of the kings and tyrants of Sicily, which delighted one, not only by the skill of the painter, but also by reminding us of the men, and by enabling us to recognize their persons. And see now, how much worse a tyrant this man proved to the Syracusans than any of the old ones, as they, cruel as they were, still adorned the temples of the immortal gods, while this man took away the monuments and ornaments from the gods.

But now what shall I say of the folding-doors of that temple? I am afraid that those who have not seen these things may think that I am speaking too highly of, and exaggerating everything, though no one ought to suspect that I should be so inconsiderate as to be willing that so many men of the highest reputation, especially when they are judges in this cause, who have been at Syracuse, and who have seen all these things themselves, should be witnesses to my rashness and falsehood. I am able to prove this distinctly, O judges, that no more magnificent doors, none more beautifully wrought of gold and ivory, ever existed in any temple. It is incredible how many Greeks have left written accounts of the beauty of these doors: they, perhaps, may admire and extol them too much; be it so, still it is more honorable for our republic, O judges, that our general, in a time of war, should have left those things which appeared to them so beautiful, than that our prætor should have carried them off in a time of peace. On the folding-doors were some subjects most minutely executed in ivory; all these he caused to be taken out; he tore off

and took away a very fine head of the Gorgon with snakes for hair; and he showed, too, that he was influenced not only by admiration for the workmanship, but by a desire of money and gain; for he did not hesitate to take away also all the golden knobs from these folding-doors, which were numerous and heavy; and it was not the workmanship of these, but the weight which pleased him. And so he left the folding-doors in such state, that, though they had formerly contributed greatly to the ornament of the temple, they now seemed to have been made only for the purpose of shutting it up. Am I to speak also of the spears made of grass? for I saw that you were excited at the name of them when the witnesses mentioned them. They were such that it was sufficient to have seen them once, as there was neither any manual labor in them, nor any beauty, but simply an incredible size, which it would be quite sufficient even to hear of, and too much to see them more than once. Did you covet even those?

For the Sappho which was taken away out of the town-hall affords you so reasonable an excuse, that it may seem almost allowable and pardonable. That work of Silanion, so perfect, so elegant, so elaborate (I will not say what private man, but), what nation could be so worthy to possess, as the most elegant and learned Verres? Certainly, nothing can be said against it. If any one of us, who are not as happy, who cannot be as refined as that man, should wish to behold anything of the sort, let him go to the temple of Good Fortune, to the monument of Catulus, to the portico of Metellus; let him take pains to get admittance into the Tusculan villa of any one of those men; let him see the forum when decorated, if Verres is ever so kind as to lend any of his treasures to the ædiles. Shall Verres have all these things at home? shall Verres have his house full of, his villas crammed with, the ornaments of temples and cities? Will you still, O judges, bear with the hobby, as he calls it, and pleasures of this vile artisan? a man who was born in such a rank, educated in such a way, and who is so formed, both in mind and body, that he appears a much fitter person to take down statues than to appropriate them. And how great a regret this Sappho which he carried off left behind her, can scarcely be told; for in the first place it was admirably made, and, besides, it had a very noble Greek epigram engraved upon the pedestal; and would not that

learned man, that Grecian, who is such an acute judge of these matters, who is the only man who understands them, if he had understood one letter of Greek, have taken that away too? for now, because it is engraved on an empty pedestal, it both declares what was once on the pedestal, and proves that it has been taken away. What shall I say more? Did you not take away the statue of Pæan from out of the temple of Æsculapius, beautifully made, sacred, and holy as it was? a statue which all men went to see for its beauty, and worshipped for its sacred character. What more? was not the statue of Aristæus openly taken away by your command out of the temple of Bacchus? What more? did you not take away out of the temple of Jupiter that most holy statue of Jupiter Imperator, which the Greeks call *Οὔριος*, most beautifully made? What next? did you hesitate to take away out of the temple of Libera, that most exquisite bust of Parian marble, which we used to go to see? And that Pæan used to be worshipped among that people together with Æsculapius, with anniversary sacrifices. Aristæus, who being, as the Greeks report, the son of Bacchus, is said to have been the inventor of oil, was consecrated among them together with his father Bacchus, in the same temple.

But how great do you suppose was the honor paid to Jupiter Imperator in his own temple? You may collect it from this consideration, if you recollect how great was the religious reverence attached to that statue of the same appearance and form which Flaminius brought out of Macedonia, and placed in the Capitol. In truth, there were said to be in the whole world three statues of Jupiter Imperator, of the same class, all beautifully made: one was that one from Macedonia, which we have seen in the Capitol; a second was the one at the narrow straits, which are the mouth of the Euxine Sea; the third was that which was at Syracuse, till Verres came as prætor. Flaminius removed the first from its habitation, but only to place it in the Capitol, that is to say, in the house of Jupiter upon earth; but as to the one that is at the entrance of the Euxine, that, though so many wars have proceeded from he shores of that sea, and though so many have been poured into Pontus, has still remained inviolate and untouched to this day. This third one, which was at Syracuse, which Marcus Marcellus, when in arms and victorious, had seen, which he had spared to the religion of

the place, which both the citizens of, and settlers in Syracuse were used to worship, and strangers not only visited, but often venerated, Caius Verres took away from the temple of Jupiter. To return again to Marcellus. Judge of the case, O judges, in this way; think that more gods were lost to the Syracusans owing to the arrival of Verres, than even were owing to the victory of Marcellus. In truth, he is said to have sought diligently for the great Archimedes, a man of the highest genius and skill, and to have been greatly concerned when he heard that he had been killed; but that other man sought for everything which he did seek for, not for the purpose of preserving it, but of carrying it away.

At present, then, all those things which might appear more insignificant, I will on that account pass over—how he took away Delphic tables made of marble, beautiful goblets of brass, an immense number of Corinthian vases, out of every sacred temple at Syracuse; and therefore, O judges, those men who are accustomed to take strangers about to all those things which are worth going to see, and to show them every separate thing, whom they call mystagogi (or cicerones), now have their description of things reversed; for as they formerly used to show what there was in every place, so now they show what has been taken from every place.

What do you think, then? Do you think that those men are affected with but a moderate indignation? Not so, O judges: in the first place, because all men are influenced by religious feeling, and think that their paternal gods, whom they have received from their ancestors, are to be carefully worshipped and retained by themselves; and secondly, because this sort of ornament, these works and specimens of art, these statues and paintings, delight men of Greek extraction to an excessive degree; therefore by their complaints we can understand that these things appear most bitter to those men, which perhaps may seem trifling and contemptible to us. Believe me, O judges, although I am aware to a certainty that you yourselves hear the same things; that though both our allies and foreign nations have during these past years sustained many calamities and injuries, yet men of Greek extraction have not been, and are not, more indignant at any than at this ruthless plundering of their temples and altars. Although

that man may say that he bought these things, as he is accustomed to say, yet, believe me in this, O judges, no city in all Asia or in all Greece has ever sold one statue, one picture, or one decoration of the city, of its own free will to anybody. Unless, perchance, you suppose that, after strict judicial decisions had ceased to take place at Rome, the Greeks then began to sell these things, which they not only did not sell when there were courts of justice open, but which they even used to buy up; or unless you think that Lucius Crassus, Quintus Scævola, Caius Claudius, most powerful men, whose most splendid ædileships we have seen, had no dealings in those sort of matters with the Greeks, but that those men had such dealings who became ædiles after the destruction of the courts of justice.

Know also that that false pretence of purchase was more bitter to the cities than if anyone were privily to filch things, or boldly to steal them and carry them off. For they think it the most excessive baseness, that it should be entered on the public records that the city was induced by a price, and by a small price too, to sell and alienate those things which it had received from men of old. In truth, the Greeks delight to a marvellous degree in those things, which we despise. And therefore our ancestors willingly allowed those things to remain in numbers among the allies, in order that they might be as splendid and as flourishing as possible under our dominion; and among those nations whom they rendered taxable or tributary,[7] still they left these things, in order that they who take delight in those things which to us seem insignificant, might have them as pleasures and consolations in slavery. What do you think that the Rhegians, who now are Roman citizens, would take to allow that marble Venus to be taken from them? What would the Tarentines take to lose the Europa sitting on the Bull? or the Satyr which they have in the temple of Vesta? or their other monuments? What would the Thespians take to lose the statue of Cupid, the only object for which anyone ever goes to see Thespiæ? What would the men of Cnidos take for their marble Venus? or the Coans

[7] The Latin is "quos vectigales aut stipendiarius fuerant." — "Stipendiarii and vectigales are thus distinguished: Stipendiarii are those who pay annually a fixed sum as tribute; vectigales, those who pay in proportion to their property or income."—Riddle's Dictionary, v. Stipendiarius.

for their picture of her? or the Ephesians for Alexander? the men of Cyzicus for their Ajax or Medea? What would the Rhodians take for Ialysus? the Athenians for their marble Bacchus, or their picture of Paralus, or their brazen Heifer, the work of Myron? It would be a long business and an unnecessary one, to mention what is worth going to see among all the different nations in all Asia and Greece; but that is the reason why I am enumerating these things, because I wish you to consider that an incredible indignation must be the feeling of those men from whose cities these things are carried away.

And to say nothing of other nations, judge of the Syracusans themselves. For when I went to Syracuse, I originally believed what I had heard at Rome from that man's friends, that the city of Syracuse, on account of the inheritance of Heraclius, was no less friendly to him than the city of the Mamertines, because of their participation in all his booty and robberies. And at the same time I was afraid that, owing to the influence of the high-born and beautiful women at whose will he had directed all the measures of his prætorship for three years, and of the men to whom they were married, I should be opposed not only by an excessive lenity, but even by a feeling of liberality toward that man, if I were to seek for any evidence out of the public records of the Syracusans. Therefore when at Syracuse I was chiefly with Roman citizens; I copied out their papers; I inquired into their injuries. As I was a long time occupied by that business, in order to rest a little and to give my mind a respite from care, I returned to those fine documents of Carpinatius; in which, in company with some of the most honorable knights of the body of Roman settlers, I unravelled the case of those Verrutii, whom I have mentioned before, but I expected no aid at all, either publicly or privately, from the Syracusans, nor had I any idea of asking for any. While I was doing this, on a sudden Heraclius came to me, who was in office at Syracuse, a man of high birth, who had been priest of Jupiter, which is the highest honor among the Syracusans; he requests of me and of my brother, if we have no objection, to go to their Senate; that they were at that moment assembled in full numbers in the senate-house, and he said that he made this request to us to attend by command of the Senate. At first we were in doubt what to do;

but afterward it soon occurred to us that we ought not to shun that assembly or that place.

Therefore we came to the senate-house; they all rise at our entry to do us honor. We sat down at the request of the magistrates. Diodorus the son of Timarchides, who was the first man in that body both in influence and in age, and also as it seemed to me in experience and knowledge of business, began to speak; and the first sentence of his speech was to this effect, That the Senate and people of Syracuse were grieved and indignant, that, though in all the other cities of Sicily I had informed the Senate and people of what I proposed for their advantage or for their safety, and though I had received from them all commissions, deputies, letters and evidence, yet in that city I had done nothing of that sort. I answered that deputies from the Syracusans had not been present at Rome in that assembly of the Sicilians when my assistance was entreated by the common resolution of all the deputations, and when the cause of the whole of Sicily was intrusted to me; and that I could not ask that any decree should be passed against Caius Verres in that senate-house in which I saw a gilt statue of Caius Verres. And after I said that, such a groaning ensued at the sight and mention of the statue, that it appeared to have been placed in the senate-house as a monument of his wickedness and not of his services. Then everyone for himself, as fast as each could manage to speak, began to give me information of those things which I have just now mentioned; to tell me that the city was plundered—the temples stripped of their treasures—that of the inheritance of Heraclius, which he had adjudged to the men of the palæstra, he had taken by far the greatest share himself; and indeed, that they could not expect that he should care for the men of the palæstra, when he had taken away even the god who was the inventor of oil; that that statue had neither been made at the public expense, nor erected by public authority, but that those men who had been the sharers in the plunder of the inheritance of Heraclius, had had it made and placed where it was; and that those same men had been the deputies at Rome, who had been his assistants in dishonesty, his partners in his thefts, and the witnesses of his debaucheries; and that therefore I ought the less to wonder if they were wanting to the unanimity of the deputies and to the safety of Sicily.

When I perceived that their indignation at that man's injuries was not only not less, but almost greater than that of the rest of the Sicilians, then I explained my own intentions to them, and my whole plan and system with reference to the whole of the business which I had undertaken; then I exhorted them not to be wanting to the common cause and the common safety, and to rescind that panegyric which they had voted a few days before, being compelled, as they said, by violence and fear. Accordingly, O judges, the Syracusans, that man's clients and friends, do this. First of all, they produce to me the public documents which they had carefully stored up in the most sacred part of the treasury; in which they show me that everything, which I have said had been taken away, was entered, and even more things than I was able to mention. And they were entered in this way. "What had been taken out of the temple of Minerva . . . This, . . . and that." "What was missing out of the temple of Jupiter." "What was missing out of the temple of Bacchus." As each individual had had the charge of protecting and preserving those things, so it was entered; that each, when according to law he gave in his accounts, being bound to give up what he had received, had begged that he might be pardoned for the absence of these things, and that all had accordingly been released from liability on that account, and that it was kept secret; all which documents I took care to have sealed up with the public seal and brought away. But concerning the public panegyric on him this explanation was given: that at first, when the letters arrived from Verres about the panegyric, a little while before my arrival, nothing had been decreed; and after that, when some of his friends urged them that it ought to be decreed, they were rejected with the greatest outcry and the bitterest reproaches; but when I was on the point of arriving, then he who at that time was the chief governor had commanded them to decree it, and that it had been decreed in such a manner that the panegyric did him more damage than it could have done him good. So now, judges, do you receive the truth of that matter from me just as it was shown to me by them.

It is a custom at Syracuse, that, if a motion on any subject is brought before the Senate, whoever wishes, gives his

opinion on it. No one is asked by name for his sentiments; nevertheless, those are accustomed to speak first of their own accord, and naturally, according as they are superior in honor or in age; and that precedence is yielded to them by the rest; but, if at any time all are silent, then they are compelled to speak by lot. This was the custom when the motion was made respecting the panegyric of Verres. On which subject at first great numbers speak, in order to delay coming to any vote, and interpose this objection, that formerly, when they had heard that there was a prosecution instituted against Sextus Peducæus, who had deserved admirably well of that city and of the whole province, and when, in return for his numerous and important services, they wished to vote a panegyric on him, they had been prohibited from doing so by Caius Verres; and that it would be an unjust thing, although Peducæus had now no need of their praise, still not to vote that which at one time they had been eager to vote, before decreeing what they would only decree from compulsion. All shout in assent, and say approvingly that that is what ought to be done. So the question about Peducæus is put to the Senate. Each man gave his opinion in order, according as he had precedence in age and honor. You may learn this from the resolution itself; for the opinions delivered by the chief men are generally recorded. Read—

[The list of speeches made on the subject of Sextus Peducæus is read.]

It says who were the chief supporters of the motion. The vote is carried. Then the question about Verres is put. Tell me, I pray, what happened.

[The list of speeches made on the subject of Caius Verres . . . .]

Well what comes next?

[As no one rose, and no one delivered his opinion . . . .]

What is this?

[They proceed by lot.]

Why was this? Was no one a willing praiser of your prætorship, or a willing defender of you from danger, especially

when by being so he might have gained favor with the prætor? No one. Those very men who used to feast with you, your advisers and accomplices, did not venture to utter a word. In that very senate-house in which a statue of yourself and a naked statue of your son were standing, was there no one whom even your naked son in a province stripped naked could move to compassion? Moreover they inform me also of this, that they had passed the vote of panegyric in such a form that all men might see that it was not a panegyric, but rather a satire, to remind everyone of his shameful and disastrous prætorship. For in truth it was drawn up in these words. "Because he had scourged no one." From which you are to understand that he had caused most noble and innocent men to be executed. "Because he had administered the affairs of the province with vigilance," when all his vigils were well known to have been devoted to debauchery and adultery; moreover, there was this clause added, which the defendant could never venture to produce, and the accuser would never cease to dwell upon; "Because Verres had kept all pirates at a distance from the island of Sicily;" men who in his time had entered even into the "island" of Syracuse. And after I had received this information from them, I departed from the senate-house with my brother, in order that they might decree what they chose.

Immediately they pass a decree. First, "That my brother Lucius should be connected with the city by ties of hospitality;" because he had shown the same good-will to the Syracusans that I had always felt myself. That they not only wrote at that time, but also had engraved on brazen tablets and presented to us. Truly very fond of you are your Syracusans whom you are always talking of, who think it quite a sufficient reason for forming an intimate connection with your accuser, that he is going to be your accuser, and that he has come among them for the purpose of prosecuting inquiries against you. After that, a decree is passed, not with any difference of opinion, but almost unanimously, "That the panegyric which had been decreed to Caius Verres, be rescinded." But, when not only the vote had been come to, but when it had even been drawn up in due form and entered in the records, an appeal is made to the prætor. But who makes this

appeal? Any magistrate? No. Any senator? Not even that. Any Syracusan? Far from it. Who, then, appeals to the prætor? The man who had been Verres's quæstor, Cæsetius. Oh, the ridiculous business! Oh, the deserted man! O man despaired of and abandoned by the Sicilian magistracy! In order to prevent the Sicilians passing a resolution of the Senate, or from obtaining their rights according to their own customs and their own laws, an appeal is made to the prætor, not by any friend of his, not by any connection, not, in short, by any Sicilian, but by his own quæstor. Who saw this? Who heard it? That just and wise prætor orders the Senate to be adjourned. A great multitude flocks to me. First of all, the senators cry out that their rights are being taken away; that their liberty is being taken away. The people praise the Senate and thank them. The Roman citizens do not leave me. And on that day I had no harder task, than with all my exertions to prevent violent hands being laid on the man who made that appeal. When we had gone before the prætor's tribunal, he deliberates, forsooth, diligently and carefully what decision he shall give; for, before I say one word, he rises from his seat, and departs. And so we departed from the forum when it was now nearly evening.

The next day, the first thing in the morning, I beg of him to allow the Syracusans to give me a copy of the resolution which they had passed the day before. But he refuses, and says that it is a great shame for me to have made a speech in a Greek Senate; and that, as for my having spoken in the Greek language to Greeks, that was a thing which could not be endured at all. I answered the man as I could, as I chose, and as I ought. Among other things, I recollect that I said that it was easy to be seen how great was the difference between him and the great Numidicus, the real and genuine Metellus. That that Metellus had refused to assist with his panegyric Lucius Lucullus, his sister's husband, with whom he was on the very best terms, but that he was procuring panegyrics from cities for a man totally unconnected with himself, by violence and compulsion. But when I understood that it was many recent messengers, and many letters, not of introduction but of credit, that had had so much influence over him, at the suggestion of the Syracusans themselves I make

a seizure of those documents in which the resolutions of the Senate were recorded. And now behold a fresh confusion and strife. That, however, you may not suppose that he was without any friends or connections at Syracuse, that he was entirely desolate and forsaken, a man of the name of Theomnastus, a man ridiculously crazy, whom the Syracusans call Theoractus,[8] attempted to detain those documents; a man in such a condition, that the boys follow him, and that everyone laughs at him every time he opens his mouth. But his craziness, which is ridiculous to others, was then in truth very troublesome to me. For while he was foaming at the mouth, his eyes glaring, and he crying out as loud as he could that I was attacking him with violence, we came together before the tribunal. Then I began to beg to be allowed to seal up and carry away the records. He spoke against me; he denied that there had been any regular resolution of the Senate passed, since an appeal had been made to the prætor. He said that a copy of it ought not to be given to me. I read the act that I was to be allowed all documents and records. He, like a crazy man as he was, urged that our laws had nothing to do with him. That intelligent prætor decided that he did not choose, as the resolution of the Senate had no business ever to be ratified, to allow me to take a copy of it to Rome. Not to make a long story of it, if I had not threatened the man vigorously, if I had not read to him the provisions of the act passed in this case, and the penalties enacted by it, I should not have been allowed to have the documents. But that crazy fellow, who had declaimed against me most violently on behalf of Verres, when he found he did not succeed, in order I suppose to recover my favor, gives me a book in which all Verres's Syracusan thefts were set down, which I had already been informed of by, and had a list of from them.

Now, then, let the Mamertines praise you, who are the only men of all that large province who wish you to get off; but let them praise you on condition that Heius, who is the chief man of that deputation, is present; let them praise you on condition that they are here, ready to reply to me on

[8] Theoractus seems a sort of nickname, to indicate his insanity, being derived from Θεὸς, God, and ῥήγνυμι, to break; while Theomnastus is derived from Θεὸς and μέμνημαι, to remember.

those points concerning which they are questioned. And that they may not be taken by surprise on a sudden, this is what I shall ask them: Are they bound to furnish a ship to the Roman people? They will admit it. Have they supplied it while Verres was prætor? They will say, No. Have they built an enormous transport at the public expense which they have given to Verres? They will not be able to deny it. Has Verres taken corn from them to send to the Roman people, as his predecessor did? They will say, No. What soldiers or sailors have they furnished during those three years? They will say they furnished none at all. They will not be able to deny that Messana has been the receiver of all his plunder and all his robberies. They will confess that an immense quantity of things were exported from that city; and besides that, that this large vessel given to him by the Mamertines, departed loaded when the prætor left Sicily. You are welcome, then, to that panegyric of the Mamertines. As for the city of Syracuse, we see that that feels toward you as it has been treated by you; and among them that infamous Verrean festival, instituted by you, has been abolished. In truth, it was a most unseemly thing for honors such as belong to the gods to be paid to the man who had carried off the images of the gods. In truth, that conduct of the Syracusans would be deservedly reproached, if, when they had struck a most celebrated and solemn day of festival games out of their annals, because on that day Syracuse was said to have been taken by Marcellus, they should, notwithstanding, celebrate a day of festival in the name of Verres; though he had plundered the Syracusans of all which that day of disaster had left them. But observe the shamelessness and arrogance of the man, O judges, who not only instituted this disgraceful and ridiculous Verrean festival out of the money of Heraclius, but who also ordered the Marcellean festival to be abolished, in order that they might every year offer sacrifices to the man by whose means they had lost the sacred festivals which they had ever observed, and had lost their national deities, and that they might take away the festival days in honor of that family by whose means they had recovered all their other festivals.